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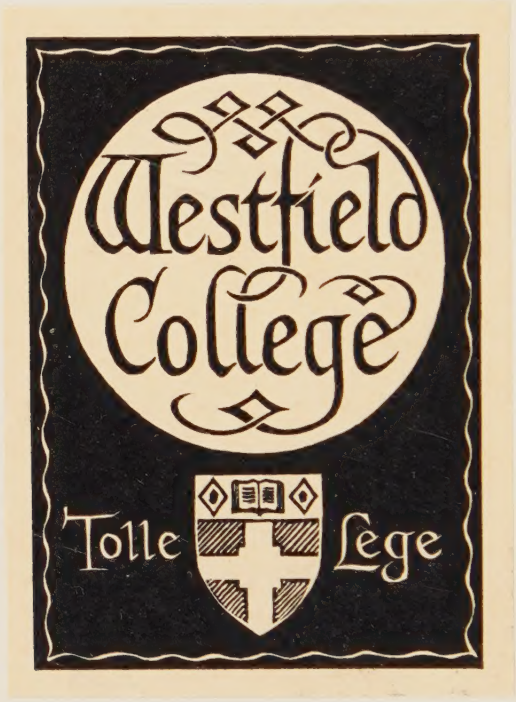

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LORD DURHAM

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John George Lambton, First Earl of Durham, G.C.B.

from the portrait belonging to the Earl of Durham

LORD DURHAM

A BIOGRAPHY OF

JOHN GEORGE LAMBTON

FIRST EARL OF DURHAM

BY

CHESTER W. NEW
Ph.D., Professor of History
McMaster University, Toronto

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TO MY WIFE

PREFACE

THIS book is written for the general reader as well as for the student of history. The foot-notes are designed for the latter, and the former may, of course, disregard them if he so desires.

Democratic government in Great Britain, confidence in the permanence of the British Empire, Anglo-American friendship, the self-governing nationhood of Canada and her sister peoples, are such significant and well-accepted factors in our modern life that it is with a feeling of strangeness that we go back to a world in which they did not exist. Yet they have come into being in less than a hundred years. The most powerful champion of all of them in the early years of their development advocated them with considerable success but at the cost of political adversity, and died at the age of forty-eight with his eyes fixed confidently on that future which is our present. It is his life-story that is told in these pages.

Lord Durham was the first British statesman (after the American Revolution) to urge that the relation between Great Britain and Canada should and must be regarded as a permanent one. But he did more than proclaim that faith to the world; he blazed the way to its realization in the last great effort of his physical strength. He pointed the way to a reconciliation of self-government and imperial unity. All of Canada's sister-nations of to-day—including the Irish Free State—are enjoying the fruits of that achievement. One by one their destinies have been shaped by the Durham ideas. But before he or any other man could blaze that path successfully, Great Britain herself had to be freed from the oligarchic rule which had lost the better part of the old empire—the 'American colonies'—and had to be guided towards democracy. Among the statesmen who effected that revolution of 1832, Durham displayed the most persistent zeal, the clearest vision, and he took the leading part in the actual preparation of the emancipating legislation. With almost equal clearness

he saw the importance of the friendship of Great Britain and the United States.

He also played a decisive part in the establishment of an independent and neutral kingdom of Belgium, did much to save the peace of Europe in the 'thirties, was at least the nominal leader of the enterprise which resulted in New Zealand becoming a British colony; and the changes which he advocated (together with many middle-class leaders, but almost alone among cabinet ministers and their friends) with respect to the ballot, household suffrage, Ireland, and the fair treatment of Dissenters and Roman Catholics, became the great reforms of the next generation. He never concealed his opinions on any subject; he was too fond of them for his own comfort or that of any one else. But of the strange notions of 'Radical Jack', the judgement of history has justified all but one.

These historical developments are dramatized for us by association with his personality. Much of the storminess of his life may be ascribed to the conflict of great political and social forces, but not a little of it was due to the directness of his methods, the loftiness of his courage, his hypersensitive pride, and his violent temper. In him a magnificent manhood was hampered and marred by a singular childishness—a strange blending of noble visions and petty vanities, high sacrifices and puny impatience, sustained devotion and fiery temper, and through it all more than a touch of heroism. All his life the state of his health was such that few men so circumstanced would have thought of engaging in any form of public work. Through seasons of intense pain, and into one physical breakdown after another, he laboured on for the love of England that was in him; though frequently embittered, he responded to every call and continued to make labour and trouble for himself until tuberculosis, added to his other maladies, cut off his life. He was spurred on, no doubt, by ambition as well as by patriotism, but it was the sort of ambition that we covet for our sons and daughters.

I do not pretend to have been unmoved by such considerations, but I believe that the weaker elements in Lord Durham's character are also clearly revealed. My business has been primarily to describe and interpret, and not to praise or blame. I have conceived of the task of the biographer as simply to set the stage and permit the central figure, his colleagues, friends, and opponents, to speak and act for themselves.

From this conception of biography it follows that the preface is the author's only refuge from anonymity. Here I have only one confession to make. I am a Canadian of the third generation and all of my grandparents were living in Canada in Lord Durham's day. That subjects me, I feel confident, to no party bias, but it does expose me to a pride that in the life of my own country there have developed certain world-shaping conceptions. It was my original intention to add an epilogue tracing those ideas from Lord Durham to their fulfilment in our own day, showing that it was our Canadian forefathers who cherished most warmly Durham's conceptions, that it was they who took the lead in insisting that the British Empire should not break up again, and in bringing his vision of the permanence and character of the Empire to a fuller fruition than even he had dreamed. But I decided that that was another story and that my task should end with his death.

Although I have gone to primary sources for nearly all of my information, my work has been made easier by those who have written on related themes and by the only previous biography of Lord Durham, that of the late Stuart J. Reid. It was this latter book, written twenty-two years ago, that first called attention to the fact that Lord Durham's place in British history is much larger than that associated with the writing of his famous Report. Stuart Reid's book was based almost entirely on Lord Durham's papers at Lambton. Only one who has studied that mass of papers himself can appreciate the industry involved in making a way through

them for the first time. But my principles of selection were very different from his, the greater part of the material which I have taken from the Lambton papers was not utilized by him, and I have tapped a large number of additional sources.

I have been particularly fortunate in the nature of the assistance I have received in my researches and the willingness with which it has been afforded. Several years ago the third Earl of Durham generously donated to the Canadian Archives all of his grandfather's papers which related to Canada. He also very kindly placed at my disposal all of the papers remaining at Lambton and relating to the other parts of the first Lord Durham's career. From the first he understood and approved of the type of biography which I proposed to write—no faults to be obscured, no unfavourable criticism withheld where it was necessary for a discernment of the truth. He granted me the use of all the papers unconditionally, without either reservation or suggestion. To such an attitude history and biography must always owe an incalculable debt. Lord Durham kindly assisted me in the search for other papers, although most of the inquiries for original letters of the first Lord Durham elicited the response that none could be found. He continued his kindly and friendly interest in my work up to his death in the very week in which the printers began their work on this book.

I also owe the sincerest thanks to Earl Grey, whose family has probably been more closely associated with Canadian political development than any other in England, for the cordial manner in which he afforded me access to the papers of the second Earl Grey, Lord Durham's father-in-law and political chief. My researches in England were also facilitated by the Hon. Peter Larkin, the Canadian High Commissioner, and by Dr. G. M. Trevelyan and Sir Charles Lucas. Among the many others who rendered assistance in the 'Old Country', my thanks are especially due to the officials of the British Museum and the Public Record Office. I wish also

to express my appreciation of the assistance afforded to my work in Canada by Colonel Alexander Fraser, the Ontario Archivist, and by the librarians and attendants of the libraries of the University of Toronto, the Law Society of Upper Canada (Osgoode Hall), the Canadian Archives, and the Toronto Public Library. Of these institutions in which the greater part of my work was done, special mention must be made of the Canadian Archives, the great repository of sources for Canadian history. The greatly increased efficiency of the Archives in recent years, due largely to the efforts of the Dominion Archivist, Dr. A. G. Doughty, has placed historical scholars under a deep obligation. My last acknowledgements, and by no means the least, are due to Dean W. S. W. McLay of McMaster University and Professor R. G. Trotter of Queen's University, who read the whole of my manuscript from literary and historical points of view respectively, and to Professor R. Flenley and Professor W. S Wallace of the University of Toronto, each of whom read several chapters. All of these made helpful criticisms and suggestions.

C. W. N.

McMASTER UNIVERSITY,
TORONTO, 1928.

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I

EARLY YEARS

JOHN GEORGE LAMBTON, later first Earl of Durham, was born on the 12th of April 1792. He was a Reformer from his very birth. The night before, a group of young Whigs organized the 'Society of the Friends of the People' to secure the reform of Parliament. William Lambton, John George's father, was one of the moving spirits, and another was Lord John Russell (later Duke of Bedford), to whom a son named John was born on August 18 of the same year. In the four months that intervened between the birth of these two boys, the Friends of the People issued a manifesto to the nation, signed by William Lambton as their Chairman, and presented a petition to Parliament, in which they showed that the British House of Commons was controlled by an oligarchy of 162 men. Their spokesman in Parliament was Charles Grey. Pitt replied to Grey, and the moment the former sat down Fox, the Whig leader, sprang to his feet to support the Friends of the People. By that act Fox split the Whig party. Within a few months the anti-reformers had all allied themselves with the Tories, and the remnant of Foxite Whigs had gone out to their wilderness journey. Their appointed time in the wilderness was to be forty years. One wonders what Charles Grey would have thought in that summer of 1792 if some one could have lifted for him the veil of the future and revealed the fact that his policy was to issue in the most revolutionary measure in the history of the British Parliament, a measure that was to break the old oligarchy and bring in democracy; that this was to be carried by a Government of which he himself was to be the Prime Minister, and that those two baby boys, now in their cradles in Berkeley Square and Hertford Street, were to be the joint authors of that Great Reform Bill of 1832.

It was the singular fortune of John George Lambton not only to play a leading part in the winning of this great measure of English democracy, but to secure to Canada the only means by which democratic government could become effective and to lay the foundation of that brotherhood of self-governing British democracies which is the strongest

and the most unique political association in the modern world.

The Lambton family was one of the oldest and best known in the north. In the time of the Crusades there were Lambtons on the Wear active in the life of Durham County. Documentary evidence carries us back as far as the twelfth century; legend suggests a more remote but quite indefinite antiquity. There were several lines of relationship with the royal family. The first Earl of Durham was a direct descendant of that sister of Henry VIII who is best known to many readers as the dashing heroine of *When Knighthood was in Flower*. Two Lambtons fell fighting on the side of the King at Marston Moor, another was military governor of the Leeward Islands under Cromwell. Several of the first Lord Durham's immediate ancestors were generals, and the military tradition has been carried down to the present day. On the political side, one of the first members of Parliament to represent Durham County was a Lambton, the son of that William Lambton who in 1675, after a long struggle, secured for Durham County and Durham City the right to representation in Parliament. From that day to this, with the exception of only forty-four years scattered over the centuries, a Lambton has sat in the Parliament of Great Britain, as representative of Durham County or Durham City in the House of Commons, or, since the creation of the Durham peerage, in the House of Lords. In all these years of public service there has not been a whisper of scandal, not a suggestion of anything inconsistent with the highest standards of honesty and honour. When Lord Durham's contemporaries remarked on his unquestioned rectitude and integrity of character, when they recognized that he meant exactly what he said and that no man need go behind that, they were simply bearing testimony to the fact that he was maintaining the tradition of his family. The other elements in that tradition are easy to discern—a devotion to public service, a love of liberty, rugged independence of thought and conduct, a frank fearlessness which found it easier to be led into rashness than to condone any manifest evil.

His father, William Lambton, was a member of Parliament for the City of Durham from 1787 to his death in 1797,

a resolute and extreme Whig. He had been the school-mate of Charles Grey and Samuel Whitbread at Eton and their college-mate at Trinity College, Cambridge. Lord Grey's biographer suggests in reference to Lambton and Whitbread that 'it may have been in their company' that Grey 'first developed a leaning toward what we now call Liberal opinions, which were a novelty in his father's house'. These three were closely associated in parliamentary activity, and it is probable that out of this school and college friendship there sprang the Society of the Friends of the People. The manifesto of that organization, which was apparently Lambton's work, stated that 'the abuses in the government of France were suffered to gather and accumulate until nothing but an eruption could put an end to them. . . . We mean to avert forever from our country the calamities inseparable from such convulsions.' No words could be more prophetic of the work of Lambton's friend and his son in 1832. He had passed under the spell of Fox. The two men had much in common, and in that gifted, passionate, and reckless champion of liberty in every form William Lambton found his natural leader. As he admired Fox, his son was to worship at Fox's shrine.

We do not know whether or not Lambton agreed with Fox that the capture of the Bastille was the 'greatest event in human history', but in those days when every man who suggested vital political change was tagged with the opprobrious epithet 'Jacobin', William Lambton was a 'Jacobin', to be looked at askance in the society to which he belonged. No student of British history needs to be reminded of how a panicky English Government, fearful of the spreading of revolution in England, suspended the Habeas Corpus Act, or of Fox's spirited opposition to this violation of the liberties of Englishmen. William Lambton was one of the gallant thirty-five who voted with Fox. Those men knew that neither their votes nor their speeches were of any avail in that House of Commons or with any considerable number in any class of society, but they kept the banner of liberty unfurled, looking to the time when the forts of folly were to fall.

His defence of the Habeas Corpus Act was his last speech in Parliament. He died two years later in 1797 and left his

eldest son, a boy of five, to carry on his political traditions. Dr. Beddoes said when he heard of his friend's death, 'He was the best man that I ever knew,' and although when he said that he was not thinking of the boy whom it was to be his privilege to educate, we may be sure that it was not wasted upon him. Such words sink deep into the mind of a fatherless boy. As he grew to manhood, John George Lambton was a careful and devoted student of his father's too brief political career.

He was a spoiled child as fatherless boys are apt to be, and throughout his life his spirit bore the marks of that experience. From the first his temperament—imperious, impulsive, extremely sensitive—was a difficult one to deal with. His guardians were his uncle, Mr. Ralph Lambton, and Mr. Thomas Wilkinson. 'Mr. Ralph', as he was called, was member of Parliament for the City of Durham, a sterling matter-of-fact man, the soul of honour and beloved by all. Mr. Wilkinson had been the father's friend and solicitor. The guardians and the widow decided to place the two older boys under the care of Dr. Thomas Beddoes, a scientist and physician of note and a close friend of their father's throughout his lifetime. They lived with him and were educated under his direction until they went to Eton when John was thirteen.

Of their mother, Lady Anne Lambton, we know very little. No letters of hers have survived, and only one letter of John to his mother. She saw little of him during the years in which he was growing up, for he lived with Dr. Beddoes from the age of five until that of thirteen and at Eton from thirteen to seventeen. She married again while he was still a boy, her second husband being Charles Wyndham. While she left the forming of his mind to Dr. Beddoes, there seems to have been no lack of motherly feeling on her part, and the occasions of her visits to him at Dr. Beddoes's were anticipated and accompanied by wild glee on John's part.[1] Lady Anne's father, the third Earl of Jersey, had been noted in an age of dandies for the punctilious nicety of his attire and the courtliness of his manners. These traits in the later Lord Durham were probably due to the influence of his mother.

When the boy was nearly nine years old Dr. Beddoes

[1] Lambton MSS., Beddoes to Wilkinson, Dec. 2, 1798.

reported to his uncle a marked tendency to consumption, and expressed the opinion that, unless the utmost care were exercised in years to come, he would fall a victim to that disease, from which his father had died.[1] Dr. Beddoes, himself one of the best physicians of the time, was mainly responsible for averting this danger for the time being, but throughout his life Lambton was never to know what good health meant, and the body was always too frail and too much shattered by pain for the titanic spirit within.

Dr. Beddoes's reports on the boy's temperament are not less interesting or less prophetic. When he is six—'The character of John is very uncommon. I think he is capable of going as far in good or bad as any human being I have ever beheld.' He is not obstinate in the sense of sustained persistence in a thing because he has begun it or is told to stop, but 'when he receives a strong disagreeable impression it overpowers and takes possession of him just like one of a contrary kind'. When his mother is coming from Bath to visit him, 'he talks, acts, laughs and cries just like a person in liquor.' At other times 'his eyes are on fire, his cheeks flushed, and in the paroxysm I have little doubt but he would run against a drawn sword, or jump down a precipice'. At nine—'John's disposition is extraordinarily peculiar. In fact he has the greatest sensibility I ever observed in any child.' He is as shy at times as he is outspoken at others, as generous as he is quick-tempered.[2]

Dr. Beddoes was peculiarly qualified for the task of superintending the education of the boys. Of the quality of his mind it is sufficient to say that he had been Professor of Chemistry at Oxford—which position he lost on account of a too frank expression of his sympathies with the French Revolution—and as a physician had built up one of the largest practices in the west of England and a continental reputation. At the time the Lambton boys lived with him, his house was at Clifton near Bristol, where he caught the spirit of that commercial and industrial centre, fraternized

[1] Lambton MSS., Beddoes to R. J. Lambton, Mar. 26, 1801. R. J. Lambton to Wilkinson, Apr. 4, 1801.

[2] Lambton MSS., Beddoes to Wilkinson, Dec. 2, 1798. Beddoes to R. J. Lambton, Mar. 26, 1801. First letter given in Reid, i. 44–5.

with its best minds, and in addition to his practice of medicine continued to lecture on chemistry. He was a man of enthusiasm and idealism, with a practical and broad-minded outlook on life, and a sufficient appreciation of the manner in which the Industrial Revolution was changing the whole character of English life and of the changes which the French Revolution was bound to effect. He welcomed the task assigned to him. 'If in such times we may depend on the stability of property, it would be a matter of some consequence to give to a young man of immense fortune some inclination and power to be useful.' This was more than the expression of a generous desire to do something for the children of an old friend. The age of utilitarianism was dawning, and Dr. Beddoes, in his way, was one of its pioneers in the field of education. For him, the chief end of education was not the production of a fine mind or even of a fine culture, but the creation of a useful member of society. Rather than building the whole structure on the classics, his ideal was a finely balanced emphasis on the literary and the scientific, the cultural and the practical. The education he provided for the Lambton boys was such as few in that age received. After the elementary instruction in reading, writing, arithmetic, in addition to English and the classics there were algebra, geometry, botany, physics, chemistry, French, 'the moral relations,' what we would call elementary economics, and manual training—all this before the age of thirteen, when John left for Eton. The instruction in these subjects was given by tutors whom Dr. Beddoes employed, but the busy physician and scientist gave up one or two hours every day to informal chats with the boys in which they 'talked of many things', and in which he drew them out, related their lessons to life as he knew it, and made that careful study of the pupils which occupied so important a place in his conception of education.

Dr. Beddoes formed the strongest link between William Lambton and his sons. Both directly and indirectly he brought their father before their minds. His warm attachment to him had been accompanied by an agreement with his political views, his enthusiastic liberalism in all matters, and his ideals of education. Before William Lambton's death they

had often talked together about the education of the boys, and in his letters to Wilkinson Dr. Beddoes asserted that he was giving the sons the education that their father had desired them to have.

> 'I remember their father most firmly resolving not to send them young to a public school, and I am persuaded that his esteem for the discipline of these seminaries would have daily declined. They are probably very ill-adapted for preparing young people for those times in which John and William will have to live and act. Surely a person of your liberal spirit cannot suppose that to spend much of the best years of a young man on Hexameters and Pentameters, Alcaics and Sapphics is the proper sphere for the human understanding. I would have these boys good classics . . . but they should surely be taught those sciences, which their father began to learn late in life, and which he so much desired that they should learn—sciences which are almost the principal hinges on which the world turns, and which will every day overgrow mere Latin and Greek in importance. . . . I hope you will not suppose that I despise classical attainments. No one has had the passion upon him more strongly, but, having studied other things, I can make a comparison.'[1]

In other letters Dr. Beddoes stated that he hoped to prepare the boys to be 'men of public and private business' and to be ready for any emergency with which fortune might confront them.

At the age of thirteen John left Dr. Beddoes for Eton. There he encountered the traditional education of his day, which was vastly different from what he had been accustomed to at Dr. Beddoes's. A boy who entered the school in 1811, three years after John Lambton left it, was to describe the Eton education of that day as follows: 'We had Latin and Greek and nothing else. There was no Euclid as there was no mathematical master either in the school or in the town. The elements of arithmetic were taught as an extra by a licensed writing master . . . and about once in three years an authorised lecturer came round . . . to teach astronomy and the globe form of the earth.' There was also a French teacher for any one who cared to put himself under him as an extra.

[1] Lambton MSS., Beddoes to Wilkinson, Apr. 1, 1801. Given in full in Reid, i. 48–9.

'Such was the system. Eton taught Latin and Greek and absolutely nothing else, and pretended to nothing else. . . . As to any investigation into the wealth, laws, government, manners, customs, of ancient nations we learned in school absolutely nothing.' [1] They learned Latin and Greek at school by the yard—nay, by the mile—and all through the rest of their lives were able to sprinkle their conversation with Latin quotations to show that they were 'educated'. Against this conception of culture and preparation for life it seems probable that Dr. Beddoes's pupil rebelled with all the ardour of his stormy young temperament. Certainly in later life he insisted on using the English language throughout—or such other modern language as the occasion called for. A careful study of his speeches, dispatches, reports, and letters reveals only a few Latin quotations and scarcely any classical allusions. In this as in other respects he was a remarkable exception to the parliamentarians and statesmen of his day.

For his life at Eton practically no direct evidence is available. Apparently he did not cover himself with any particular glory in those forms of intellectual achievement which were appreciated there, and he must have chafed at the absence of many of the subjects to which he had been attracted. No doubt, in indirect ways, Eton did much for him—much more than he was willing or able to recognize. In a book on famous Etonians it is said that while at the great school he showed himself to be inclined to 'support popular rather than oligarchical principles of government'. This statement is not improbable, and we can imagine some of the interesting experiences of this sensitive, outspoken, quick-tempered lad battling his way for 'principles of popular government' at the Eton of 1805 to 1808, when aristocratic conceptions were so clearly in the ascendant in England, when the prejudice against the French Revolution was at its height and nowhere to a greater extent than in the circle from which Eton boys came. One wonders to what extent he fought his battles with his fists. At any rate, it was probably at Eton that he developed the courage that served him so well later in life, and could never have been achieved in isolation at Dr. Beddoes's. A list of the great-men-to-be among

[1] *Eton of Old*, 1811–1822, by an Old Colleger, pp. 160–1.

his Eton school-mates—that list so dear to biographers—would be of little value to us because with none of them did he maintain intimate relations later in life. Among them, however, was Charles Greville, who never lost an opportunity to inject a caustic criticism of Lord Durham—whom he knew very slightly as a man—into those famous journals of his.

After he left Eton his guardians were undecided in regard to the choice of a university. It apparently lay between Cambridge and Edinburgh, and while they were trying to come to a final decision the young man concerned wrote to them that he was going to enter the army. So there was nothing for it but for 'Mr. Ralph' to use his influence with the Prince Regent to secure for his nephew a cornet's commission in the 10th Dragoons.

After rescuing him from the hands of an art swindler who had sold him some terrible daubs for a princely price, his guardians received a more serious shock when they learned that on the 1st of January 1812 the nineteen-year-old heir of the Lambtons had been married at Gretna Green to Henrietta Cholmondeley, a natural daughter of Lord Cholmondeley. Lambton had apparently attempted to secure his guardians' consent to the marriage, as Earl Gower wrote to Mr. C. K. Sharp, 'your friend Miss Cholmondeley's marriage is not certain yet as Lambton's guardians have refused to hear of it.'[1] This letter was written a week after the young couple had run away to Gretna Green and faced the guardians and all concerned with a *fait accompli*. Negotiations could then be conducted on a more favourable basis, and eleven days after the marriage the banns were published for the first time in the parish of Malpas, County of Cheshire, for another marriage between the same parties, Mrs. Lambton consenting to become Miss Cholmondeley again for the occasion. One of the witnesses was Lady Anne Wyndham, mother of the groom. Little is known of the young bride, but that little is confirmatory of C. K. Sharp's brief reference to her—'A charming person, I knew her well.'[2]

[1] *Letters to and from C. K. Sharp*, i. 524.

[2] Sharp, i. 526.

II

PARLIAMENTARY EXPERIENCE

FIFTEEN months after his marriage John George Lambton came of age and entered into his large family estate, Lambton Castle, and the ownership of collieries among the most extensive in the Newcastle district. In September of the same year, 1813, the young 'king of the coal country' was elected to Parliament for the County of Durham. During the election campaign Lambton received his first letter from Lord Grey. The Whig leader expressed his personal satisfaction at hearing of the nomination and referred to his friendship with Lambton's father. He also suggested that when he found himself in the northern part of his county he should travel the few miles farther and visit Howick. The friendship thus begun between these two men, twenty-eight years apart in age, so different in temperament and frequently in their point of view, yet unrivalled in their time for the high-mindedness of their politics—that friendship was called on to weather some rough passages, but was to continue unbroken and to increase in intensity and devotion until that day in 1840, when, four days before his death, the younger of them burst into tears at what proved to be their last farewell.

Lambton made his first speech in Parliament on May 12, 1814, a vehement attack on the Government for countenancing the handing over of Norway to Sweden. There was an easy and spontaneous eloquence running through it, and it contained some clear-cut statements of the principle of nationality which were not so commonplace then as they would be now. On the whole, both in style and content, it was sophomoric enough, although an occasional phrase gave promise of better things. It could hardly have made an impression on the House of Commons, although some extravagant comments circulated in his own north country, whose heart he was already beginning to win. It marks the beginning of a life-long study of foreign politics.

His next speech, on February 21 of the following year, 1815, was on a similar subject, the transfer of the people of Genoa to the King of Sardinia 'like a herd of cattle'. Two

weeks later young Lambton challenged Castlereagh on a domestic issue, the Corn Bill of 1815, that device for the protection of the great landed interests who were too well represented in Parliament and the maintenance of a high level of bread prices for the many who were not represented at all. Lambton, himself one of the greatest landed proprietors in England, sided with the interests of the people against the privileges of the few.

In the midst of these Corn Law debates the news came to him that his wife, whose health had always been delicate, had become seriously ill. On the 11th of July 1815 she died of consumption, leaving behind her three young daughters. In the agony of his grief Lambton lost interest in everything, and spoke of retiring from public life. His friends did everything possible to rouse him from this state of mind. The most interesting of these efforts is a letter from Henry Brougham, who, thirty-six years of age while Lambton was twenty-three, was already in the front rank of the Whigs and, although finding it difficult to re-enter Parliament, was advancing steadily to a commanding position as an idol of the people. He and Lambton had felt a strong mutual attraction which passed rapidly into hearty affection. He wrote to Lambton:

> 'You have advantages over most men in the possession of a strong and vigorous understanding, and a laudable ambition to employ it in the best way. You have youth, and an exterior so agreeable as to prepossess all who see you in your favour. You have gained a good name and the reputation of a zealous, honest public man. . . . These considerations ought to determine your course, and, though the exertion may require an effort, yet as you love fame and prize the result of labour, which is tranquillity, I beseech you do not for a moment retire from that contest of public men and public affairs, in which you are formed to shine, and in which you are already so distinguished.'[1]

The remonstrances of his friends prevailed, and after a few months spent in travelling Lambton was back in his place in Parliament in 1816. The long war with France was over, and men quickly discovered—as they did a hundred years later—that peace, instead of ushering in a millennium, brought com-

[1] Lambton MSS. Given in Reid, i. 111–12.

mercial chaos, unemployment, and a continued burden of heavy taxation. Lambton had written to Sir Robert Wilson on the 30th of January: 'Nothing can equal the distress that pervades the whole country both in agriculture and commerce. Such are the blessed fruits of a war carried on for the purpose of seating such scoundrels as the Bourbons on the thrones of France and Spain.' [1] He felt for the sufferings of the people, and was indignant at the extravagance of the Government in continuing in such a time of distress the long list of pensions and sinecures for the hangers-on of the Tory party and the Court. The continuance of the income tax, in spite of the Government's pledge that it would cease with the termination of the war, was especially unpopular. Lambton opposed it early in February, even before his friend Brougham led the concerted attack on it which provided the political sensation of that year. Sincere as Lambton undoubtedly was, one cannot help feeling that the Whigs in general showed much more zeal in attacking the administration than appreciation of the problems that confronted it, and that their conduct did more to embarrass the financial situation than to help it. When Castlereagh said that 'he felt assured that the people of England would not, from an ignorant impatience to be relieved from the pressure of taxation, put everything to the hazard, when everything might be accomplished by continued constancy and firmness', it was only one of the many occasions on which he said the right thing in the wrong way. As it was, the statement roused a storm of indignation of which Brougham took full advantage. When it was all over the tax was defeated by 37 votes and Brougham was the hero of the hour.

While Lambton was playing his part vigorously in Parliament, his business associations were keeping him in constant touch with those ideas of progress and peaceful revolution which were finding expression in the economic and scientific life of the day. This contact was not the least of the influences that were preparing him for the role that he was to play in the application of liberal principles to the political organization of England and the Empire. His position as one of the big coal producers placed him at the heart of the

[1] B.M. Add. MSS. 30108, f. 7.

Industrial Revolution. His father had formed the acquaintance of the leaders of that movement. He had seen that it was destined to alter the whole character of English life, rooting up the changeless customs and prejudices of centuries and launching old England on a series of transformations as rapid as the revolving wheels of the new machines in the new factories. For this he had been educated by Dr. Beddoes, and everything in his business experience convinced him how necessary, and even inevitable, was the march of progress in the direction of a broader basis of government. So, gifted as he was from his earliest youth with a remarkable imagination and a spirit of independence, this one member of the landed aristocracy, the old 'ruling class', saw many things to which the eyes of the others were blind. One other of his class saw the vision, though not so clearly; young John Russell had been enjoined to make a careful study of the new industrial centres. These two among the Whigs were to be in the forefront of the democratic movement in Parliament at every step.

The first of those steps was not taken until 1819. But in the meantime Lambton was associated with one of the most important advances in the history of the Industrial Revolution, the invention of the safety lamp by Humphry Davy. Up to this point the production of coal had been impeded and much suffering caused by constantly recurring explosions of fire damp in the mines. In the year 1813 several catastrophes of this character led to the organization of a 'Society for the Prevention of Accidents in Coal Mines'. Lambton was one of the most active of this little group who were looking to science for a solution of an age-long evil which to most men was just an 'act of God'. He was made Vice-President of the society. Humphry Davy, who had been Dr. Beddoes's assistant at Clifton when Lambton was living in the latter's house as a boy, was now making a name for himself in London as an eminent scientist. It may have been Lambton who thought of his old acquaintance in this connexion. It was another member of the society, a Dr. Gray, who made the first approach to Davy in 1815, but a considerable amount of correspondence passed between Lambton and the latter. Davy visited the Durham collieries, studied the

problem in London, revisited the collieries, and in the autumn of 1816 overcame the last of his obstacles. He wrote to Lambton, on September 9 of that year, that he felt highly gratified that it was in one of Lambton's collieries that he 'effected the only object that remained to be accomplished'. He went on to say, 'I consider the renewal of my acquaintance with you as a fortunate event, and I shall now witness with additional pleasure your efforts in the cause of liberal and independent politics.'[1] Davy would not hear of anything in the way of remuneration. The safety lamp was to be the gift of science to industry in the name of humanity. In 1817 the coal owners, with Lambton as chairman of their committee, organized a banquet in Davy's honour. Lambton occupied the chair, and on behalf of the coal trade presented Davy with a beautiful service of plate. This service was destined to have a singular history. Sir Humphry Davy directed in his will that if his brother had no heir who could make use of it, it should be melted down and its proceeds devoted to the Royal Society to establish a medal, which was to be awarded annually for the most important discovery in chemistry. The medal was awarded the first time to Bunsen and Kirchhoff for the discovery of spectrum analysis.

At the same time Lambton was showing an interest in scientific invention of a somewhat different character. He always had to have the best of everything, and his love of display was almost as keen as his love of progress. Lambton Castle was one of the first homes in England to be lit by gas. In an undated letter of about this time he wrote to his friend, Sir Robert Wilson: 'You have no idea how beautifully the gas answers at Lambton—not the slightest smell and the illumination quite splendid. If you had not been a false one you would have seen it before this.'[2] In December 1821, Sydney Smith wrote to Lady Mary Bennett: 'And here I ask, what use of wealth so luxurious and delightful as to light your house with *gas*. . . . The splendour and glory of Lambton Hall make all other houses mean. . . . Dear Lady, spend all

[1] Lambton MSS. Quoted in part by Reid, i. 87.

[2] B.M. Add. MSS. 30108, f. 32. Both arrangement and contents point to 1819.

your fortune in a gas apparatus. Better to eat dry bread by the splendour of gas than to dine on wild beef with wax candles.'[1]

In the meantime a new mistress had come to Lambton. On the 9th of December 1816 John George Lambton was married to Lady Louisa, the eldest daughter of the Whig chieftain, Earl Grey. This marriage, as Lord Grey's biographer states, 'brought modern democracy into the heart of the Whig counsels.'[2] Lady Holland, a few months before the marriage, gives a picture of the two young people in their respective homes.

> 'We made a long visit of a fortnight at Howick. . . . Lady Louisa is very handsome, the others are very tolerably well-looking, but not equal to her. . . . The House is made one of the most comfortable mansions I know. . . . I never expected to be so long in a country house, and yet leave it with regret, which was the case in this instance. We made a visit to Lambton, which is a magnificent house, everything in a suitable style of splendour. He is an excellent host; his three little babies are his great resource. . . . He is full of good qualities, and his talents are very remarkable.'[3]

At the same time Sir Robert Wilson, writing to congratulate Lambton on his engagement, referred to the Grey family as 'the most amiable family in Europe' and to Lady Louisa as 'a rare jewel in modern times'.[4] The exact meaning of the latter phrase we need hardly pause to consider. Certainly Lady Louisa was not of the frivolous type. A giddy round of social functions had as little attraction for her as for Lambton. She always shone most brilliantly in the setting of her own home. In later days her children and step-children found in her a delightful companion who took as keen a zest in driving, playing, and reading with them, and in their little family excursions, as she had in earlier days with her brothers and sisters at Howick. At the same time she played her part in the social world with a singular grace and charm. Her attractiveness was of the quiet and unobtrusive type. Her husband made enemies as well as friends, but everybody was

[1] *Memoirs of Sydney Smith*, ii. 222.

[2] Trevelyan, *Lord Grey of the Reform Bill*, p. 187.

[3] Lady Holland to Mrs. Creevey, *Creevey Papers*, p. 265, where it is misdated 1817 instead of 1816.

[4] Lambton MSS., Oct. 17, 1816.

fond of Lady Louisa. There were some, no doubt, older and wiser even than the nineteen-year-old Henry Fox who, having heard much and seen something of Lambton's fits of temper, were constrained to 'feel very much for poor Lady Louisa.'[1] If so, their sympathy was sadly wasted, for if ever a woman was supremely happy in her husband, it was Lady Louisa Lambton. He could not be away a week without her counting the days and hours till his return, and an absence of a month was as an eternity. That she suffered at times from his outbursts, as others did, there can be little doubt, but all that need be said in that respect is that she who knew him best loved him as it is given to few men to be loved, and that a beautiful tenderness characterized their relations to one another. To her he was a demi-god. His most devoted admirer, on reading her letters and diaries, would say that he was too much of a demi-god. The 'he' and 'him' of her diaries seem often to be written with bated breath, and his political opinions were always right because they were those of his generous and brilliant self. And yet there is something so attractive about that devotion that one cannot be judicial in the presence of it. One can only rejoice that this man, the greater part of whose life was tortured by pain, whose bereavements were many and bitter, whose public life was tempestuous, his ambitions never realized, his best actions frequently misunderstood and unfairly criticized, had as a life-companion one who believed in him so thoroughly, and who so passionately vindicated his opinions and his character. In the circumstances her devotion and inspiration were invaluable. She had little interest in politics beyond her interest in her husband and a desire to see his dreams become realities, but she was the living link between the leadership of the Whig party and its restless left wing, and without that link there would have been no Reform Bill in 1832 and no Responsible Government overseas in the 'forties.

A few days after the marriage Lambton and his bride wrote two interesting letters to Lord and Lady Grey respectively. That of Lambton to Grey has already appeared in print[2] but will bear repetition.

[1] *Journal of Hon. Henry Edward Fox*, p. 93.
[2] Trevelyan, p. 187 n.; Reid, i. 93.

'I must thank you very particularly for one part of your letter to Louisa, which she showed me, in which you flatter me with the hope of my being as a son to you. I have never felt the blessing of a father's care or advice and, I fear, I have suffered much for it; it is, therefore, more gratifying to me than I can express to be able to look upon you in that sacred light; upon you whom I have always revered as the first of men in public life, and since I have been admitted in your society, as the most exemplary in private life.'

Lady Louisa wrote to her mother:

'As for the children I shall do everything in my power. Though I am not what you call really fond of children, these are so nice and have such pretty manners that it is quite impossible for me not to like them. I never saw anything like their fondness for Lambton and I am delighted with their manners to me. I hope they will love me as much as I can wish.' [1]

A week later Lambton was already bringing to bear on Grey that pressure which he continued to exercise so long as the latter was in public life.

'I am very glad to hear that Tierney and Ponsonby [the Whig leaders in the Commons] are active. Everything depends upon that greatest of all virtues in a politician, activity. Our being at present below par with the people, I mean the real people, not the rabble, is, I think, owing in a great measure to our supineness and want of union among ourselves; which has prevented us from taking any decided line.' [2]

In the ensuing session of Parliament Lambton seized every opportunity to speak in support of petitions for parliamentary reform. Brougham also supported these petitions, but the regular Whig leaders carefully avoided the subject. Lambton's other contribution to the session was a spirited attack on Canning's mission to Lisbon.

In March of the following year, 1818, Lambton made what was conceded to be the ablest speech in the debate on the Indemnity Bill. In 1817 the Government's professed fear of revolutionary movements had resulted in the suspension of the Habeas Corpus Act. Early in the session of 1818 the suspension was cancelled and a Bill introduced to indemnify those who had apprehended and detained persons suspected

[1] Howick MSS., Dec. 11, 1816.
[2] Howick MSS., Lambton to Grey, Dec. 17, 1816.

of treasonable practices and had suppressed seditious meetings during the intervening months. Lambton's speech in opposition called forth the praise of Lord Grey as a marked exception to the 'tameness of the debates' and a source of encouragement to the party.[1] After protesting against a fundamental violation of the liberty of the subject (the theme on which his father had made his last speech in Parliament) he accused the Government of unwarrantable cruelty, and castigated the action of the notorious Oliver in an indictment that was instrumental in forcing the Government to mitigate the evils of its spy-system.[2]

[1] Lord Grey's letter is given in full by Reid, i. 105, and in part by Trevelyan, p. 187.

[2] For 'the adventures of Oliver the spy' see J. L. and Barbara Hammond, *The Skilled Labourer*, pp. 341–76. Oliver had had a chequered career. He had been a bigamist and had been accused of fraud by an employer. The Government, however, probably knew much less about his past than the Whigs discovered later. He approached Lord Sidmouth, the Home Secretary, with an offer to secure information in regard to treasonable agitation. Sidmouth undoubtedly believed that a considerable amount of such agitation existed and was really afraid of it; he also found it good politics to be able to provide the public with as much information in regard to it as possible. Oliver started off on a tour of the Midlands, ostensibly to secure petitions for parliamentary reform. He represented himself to some as a constitutional reformer, to others secretly as a physical force man and the envoy of a strong group in London. In the latter capacity he secured 'delegates' to revolutionary meetings which he organized in certain centres. In each case he saw that the authorities were informed; they arrested the delegates, and Oliver slipped away to a new field of labour. Oliver found an easy victim in a man named Brandreth, who was illiterate, was in a half-starved condition, and of an excitable disposition. Brandreth entered heartily into Oliver's plan for an insurrection to be centred at Nottingham and to continue in a march to London. About 200 men secured arms and started to march to Nottingham. When met by two officers and eighteen soldiers they fled without firing a shot. Forty-eight of them were captured and thirty-five placed on trial, charged—with a precision that would have been beautiful if it had not been so pathetic—with having been 'moved and seduced by the instigation of the devil to levy war against the King'. Brandreth and two others were executed, eleven transported for life, three transported for a term of years, and six imprisoned. One of those executed uttered as his last words, 'This is the work of the Government and Oliver'. It is clear that Sidmouth did not understand the extent to which Oliver's inventive genius was carrying him, but he knew something about his methods. The cleverness of Oliver the master-spy undermined a well-organized spy-system which the Government had maintained for some time. The *exposé* was begun by the newspapers, continued by the London juries, and clinched by Lambton and his fellow Whigs in Parliament. Oliver's unsuccessful attempts to inveigle some middle-class Reformers helped to influence the middle classes in the direction of parliamentary reform.

On the 11th the Government's strongest piece of artillery was trained on Lambton. Canning made a vigorous speech highly spiced with that invective which led somebody to remark that Canning never made a speech without making an enemy for life. In regard to one report cited by Lambton, he said: 'It was impossible not to feel assured that the whole story was a recent invention, and no one but *an idiot or a dolt* could believe a word of it.' Lambton was on his feet immediately and confusion became the order of the day. When Lambton sat down and the hubbub subsided, Canning said that 'of course he did not mean to apply the epithets dolt and idiot to the honourable gentleman; all that he meant to say was that he should consider himself a dolt and an idiot if he gave the statement a moment's belief'. After his speech was concluded Lambton rose to 'ask an explanation as to the terms dolt and idiot so liberally applied by the right honourable gentleman'. Canning replied that 'the words dropped from him in the heat of debate and that he had no design of applying them in their common acceptance'. Lambton said he supposed so. 'Indeed it was not of any consequence, except in one sense—and that was a sort of fear that, as the right honourable gentleman had applied the same terms to the dear friends now united with him in office, the use of them might be a prelude to an intimate union between him and the right honourable gentleman.'

In the following month he opposed the additional grants to the royal princes on account of their approaching marriages, and was particularly outspoken in regard to the extravagances of the Duke of Clarence, the future William IV.

In the summer of 1818 came the general election. Lambton, who had an easy time of it in Durham County, went to the help of his friend Brougham, who was putting up a gallant fight in Westmorland against the strongly entrenched Lowthers. Brougham had appealed to him especially to be with him as a trusted friend in case his strong language involved him in a duel.[1] In a letter to Sir Robert Wilson, Lambton gives the following picture of Brougham in the heat of the conflict: 'He worked like a horse. He was at once candidate, counsel, agent, canvasser, and orator, and changing

[1] Lambton MSS., Brougham to Lambton, June 22, 1818.

his characters every hour,—and always cheerful and active. Really his energy of mind is beyond anything I could ever have conceived'.[1] Lambton himself was so busy that he had to get up early in the morning to write his letters to his wife, in the last of which he reported 'All is over. We are beaten'. He is coming home on Sunday and bringing Brougham with him.[2]

While Brougham was visiting at Lambton, plans were developing for the selection of a Whig leader for the House of Commons. George Ponsonby, the previous leader, had been an amiable figure-head under whom abler and more ambitious men warred and wrangled and spread through the Whig ranks that jealousy and dissension which only oppositions can indulge to the full. On exceptional occasions the Whig commoners had been glad to allow Brougham to step forward, shoulder Ponsonby out of the way, and assume the lead. But they would not have Brougham for their permanent leader. Romilly had no inclination for the task. Among the more brilliant of the younger men none had sufficient experience, and of the former candidates for the leadership only one remained in the field. Towards him, the popular, smooth, business-like George Tierney, many of the members turned as the least objectionable of the possibilities. Tierney possessed some of the qualities that make a successful politician and lacked most of those rare attributes that are necessary for leadership. In an age when practically all statesmen were of aristocratic birth, this man of middle-class origin and business habits had forced his way into the seats of the mighty by the weight of his wealth, and maintained his position by good nature and resourcefulness.

To Lambton, who was all for action, Tierney was the worst of all possible leaders. His 'wavering and indecisive system' was anathema to Lambton and his fellow progressives. Although the leader of the Whig party, Lord Grey had shown a tendency for some years to seize on every excuse to stay at Howick rather than go down to Parliament. He had expressed his utter hopelessness of the situation, and the fact that he was more than weary of it, in several letters to Lambton and, no doubt, more frequently in conversation.

[1] B.M. Add. MSS., 30108, ff. 17, 18. [2] Lambton MSS.

Lambton was now afraid that if the members united in the selection of a leader of the House of Commons who seemed to Grey to be at all satisfactory, the latter would take advantage of the situation and resign the leadership of the party. In March 1818 he wrote a strong letter to him in which he urged that whatever happened Grey must retain the supreme control. If he had neither the health nor the inclination for active service let him at least retain the nominal leadership. Under those circumstances Lambton could reconcile himself to support Tierney or anybody else whom Lord Grey might desire him to support. But if Lord Grey's leadership were surrendered, the Whigs would be 'split up into five or six parties, all at war with one another. And this is not an unlikely fear, I assure you, for I, even I, received an offer the other day to form a party from persons of rank and consequence, who declared they had perfect confidence in me, and none in Tierney.'[1] Grey apparently made some complimentary remark in relation to this last fact, and Lambton hastened to make a disclaimer in his next letter: 'Many thanks for the favourable opinion you express of me politically . . . but I really have no intention of aspiring to the position in question. . . . I know I do not possess a quarter of the talents which in my opinion are absolutely necessary to qualify a man for being Leader of the Opposition.'[2] Lambton at this time was not quite twenty-six. In July of this year, 1818, a requisition asking Tierney to become leader of the party in the Commons was circulated among the Whig members. Lambton refused to sign it on account of the way in which he believed the movement had been conducted. He wrote to Sir Robert Wilson, July 19:

> 'I have refused to sign the requisition to Tierney as I do not care to submit to the cavalier mode of dictation assumed by the meeting with whom it originated. They never thought me worthy of being communicated with previously, and after having named whom they pleased they write to me to sign the requisition—without even saying what the requisition is, in what terms it is couched, or who the gentlemen were who thus arrogated to themselves the right of naming a Commons

[1] Howick MSS., Lambton to Grey, Mar. 26, 1818.
[2] Ibid., Apr. 6, 1818.

leader to the Whig party. I shall on these grounds be no party whatever to their proceedings.

'I have further said that . . . I shall acknowledge no leader in the House of Commons who has not been regularly proposed at a general meeting of the Party convened for the day previous to the meeting of the new parliament,—when every one will have the option of attending or expressing his opinion and not be dictated to by a cabal, meeting in London when every one is in the country except their few selves.' [1]

Brougham wrote a letter of explanation to Lambton:

'It was generally felt that something should be done—and they said IF all agree, as may be expected, then Tierney is a fair experiment to try. Your misconception is in supposing the *resolution* to be taken first—and then all of us asked to accede to it. In fact the only preference shewn was for me (*knowing* too that I was with you and would, of course, as soon think of cutting off my hand as of writing an answer without showing it to you). Don't, therefore, my Lambton, talk of the thing being first cut and dried and then people being consulted, for it really and indeed is not so. Certainly nobody thinks Tierney unexceptionable. All of us feel as you do on the subject, but they feel what I wish to God you would, and what I really hope and trust you may, that it is a necessary step and must be taken with all its risks and evils *in the choice of difficulties*.

'Your non-adhesion is very unfortunate. It acts as a damper and will annoy Tierney, as well as injure materially the success of the measure. Pray therefore do consider it again. . . . Again and again I beseech you not to play the Achilles and let your wrath disturb the operations of our army.

God bless you and my best regards to Lady L.

Believe me most affectionately,

Yours. H. B.' [2]

A letter from Lord Grey gave a similar explanation, and stated that he had understood that the communication to Brougham was intended for both of them. Lambton ultimately signed the requisition, which appears to have been held especially for his signature.[3] Tierney need have known nothing about the matter, but Lambton went to him and

[1] B.M. Add. MSS. 30108, ff. 19–20.

[2] Canadian Archives, *Durham Papers* 6, i. 119 f.

[3] Lambton MSS., Grey to Lambton, July 20, 1818; Brougham to Lambton, n.d.

told him that he had originally refused to sign, why he had been opposed to him, that he had finally signed in compliance with Lord Grey's wishes, and that having done so Tierney could rely on everything he could do in the way of support and assistance.[1] This direct way of dealing with men was as characteristic of Lambton as the cordial manner in which he was received was characteristic of Tierney. Tierney's leadership proved to be a failure, and the Whigs in the Commons continued their state of disunion, to which Lambton himself added something by his restlessness and tendency to break to more radical ground, which at the same time saved the party from lethargy and a more complete contempt in the eyes of the middle and lower classes.

Lambton was always interested in improving the organization of the party. Immediately after the settlement of the Tierney question we hear of him forming a committee of the party to superintend the press, hire a room at which all press communications might be received, and arrange for a dinner party once a week for the Whig members of both Houses.[2]

[1] Howick MSS., Lambton to Grey, Jan. 14, 1819.
[2] Howick MSS., Jan. 15, 1819.

III

THE NEED FOR REFORM

Before proceeding farther with the story of Lambton's parliamentary activities, it will be necessary to give some outline of the political situation, especially in relation to the need for Parliamentary Reform which he felt more keenly than any other member of the Whig party. The main interest of his parliamentary career lies in his determination to destroy oligarchic government and broaden the basis of political power, to establish democracy (although he abstained from employing a word that was so odious at that time to the mass of Englishmen). After vainly urging parliamentary reform as a policy for the party, he broke through party discipline in 1819 and acted for himself—the first Whig to press the question in Parliament since the days of Fox and the 'Friends of the People'. By this step he precipitated the first of his political quarrels, and that with the very men who were to be his colleagues in the Reform Bill Administration.

In the period of English history which lies between the revolution of 1688 and that of 1832, one of the most important constant factors in political life was the rotten borough. Some knowledge of the constitutions of Old Sarum, Bossiney, Appleby, and Cambridge is more informing in regard to the sources of political power than all the panegyrics of the time on the glorious constitution of England.

We may begin with the facts so frequently referred to in the speeches of the Reform Bill period that the absolutely uninhabited borough of Old Sarum elected two members of the House of Commons, that the ancient borough of Dunwich, the greater part of which was swallowed up by the waters of the North Sea, sent two more, and that at Westbury 'five niches in a stone wall sent two representatives to parliament'. But the existence of a few such boroughs might have been patiently endured if the other seats in the House of Commons had been at all representative of the people of England. A careful study of Thomas Oldfield's description of the boroughs of Great Britain in 1794 reveals the fact that of 558 members of the House of Commons at that time, 275 were returned by

constituencies which had 200 voters or less.[1] Of these 275, 142 were returned by constituencies having less than fifty voters. Nearly all of these 275 members, as well as many who represented boroughs which had a larger number of voters, were under the direct control of individuals known as borough-owners or patrons. A wealthy and ambitious man studied the secrets of political power under the free constitution of England and then proceeded to purchase control of one of these boroughs with its two members in Parliament. A few of the more ambitious and more successful captured eight or ten boroughs with their sixteen and twenty members.

Almost as important as the restriction of the parliamentary franchise was its lack of uniformity. The franchise in the English counties was uniform, and the same was true of the Scottish counties although the basis differed from that of the English shires. But in the boroughs the greatest variety prevailed. And the boroughs returned 432 members (including the 16 from the Cinque Ports) while the counties returned only 122 and the universities 4—before the union with Ireland, which did not materially alter the proportion.

A practical classification of the boroughs is that into burgage, corporation, freemen, scot and lot, and 'pot-walloper' boroughs. In the first of these the parliamentary franchise was enjoyed by the possessors of certain ancient holdings on the basis of the old burgage tenure of feudal days. In most of these boroughs there were less than fifty burgage holdings. In nearly every case this majority-ownership was in the hands of one man, who thus named the two members of Parliament who 'represented' the borough. In a few cases two large owners formed an agreement that each should name one member. In 1794 there were thirty of these burgage boroughs, returning sixty members of Parliament, all of whom without exception were named and controlled by individuals. In some cases the community had entirely disappeared. The classic example is Old Sarum, the site of the ancient city of Salisbury, where there was nothing but ploughed fields,

[1] I have included in this calculation nine boroughs which Oldfield described as having '200 voters' or 'about 200 voters'. Oldfield's figures were based in many cases on the poll-books; in some they were estimates drawn from recent election returns.

without a sign of human habitation save an old house on a distant hill which was outside of the parliamentary borough. Here at every general election the peace of eternity was disturbed by a returning officer and a corps of assistants who put up a tent to receive the votes of the seven men to whom Lord Camelford had distributed his burgage tenures for the occasion. The votes were duly recorded and two members elected to represent Lord Camelford in the people's house One regrets to add that the members never deigned to visit their constituency.[1] At Appleby many of the burgage tenements were pigsties, the most valuable pigsties in Christendom. At Northallerton they were stables, cow-houses, and uninhabited ruins.[2]

In the corporation boroughs the right of electing members of Parliament was vested in the municipal corporation—a mayor, aldermen, and a certain number of council-men or 'capital burgesses'. These corporations were nearly all of them self-elected; they enjoyed the right under their ancient constitutions of filling the vacancies which occurred in their ranks. Municipal government meant little or nothing to them, but in selling their seats in Parliament they did a thriving business. In every case they sold their rights to individuals. In many cases they advertised in the public press that they had two seats in Parliament to sell and that they would go to the highest bidder. These advertisements were inserted up to 1809, the year in which such sales became illegal; the sales, however, continued until the fatal year of 1832. Cold cash was not the only medium of exchange. A 'patron' with two members of the Commons at his disposal could secure many good things from the government of the day, and government offices, church livings, and cadetships in the navy were freely distributed to members of the privileged corporations and their families. Frequently the patron bought out the corporation entirely. In consideration of a lump sum the members resigned and filled their places with the relatives, friends, and dependants of the patron. The

[1] Thomas Oldfield, *An Entire and Complete History, Political and Personal, of the Boroughs of Great Britain*, 2nd edition, 1794, ii. 236–7; Porritt, *The Unreformed House of Commons*, i. 34.

[2] Oldfield, ii. 187, 283–4.

Earl of Hertford possessed a borough of this type at Orford. The members of the corporation were his sons and relatives, and every general election saw a gathering of the clan at Orford to elect two members of Parliament to represent the citizens of that community. Orford was somewhat decayed in any case. It had at one time been a thriving seaport, but the sea had receded and left it a small village some centuries before the members of its corporation made their final bargain.[1] But, so far as corporation boroughs were concerned, the matter of population was of no importance. Many of them were large and flourishing cities, but the inhabitants of Bath and Portsmouth had as little voice in the choice of their parliamentary representatives as those of Orford. The thousands of inhabitants in these large cities were as thoroughly disfranchised as if they had been natives of the Fiji Islands. But being free-born Englishmen they had all the comfort of feeling that they were represented in Parliament. And during those halcyon days when Burke was declaiming at Westminster, they enjoyed the added exhilaration afforded by his eulogies of that perfectly balanced constitution in which he knew and felt that he was free and in which 'our representation is as nearly perfect as the necessary imperfection of human affairs and of human creatures will suffer it to be'.

In another class of boroughs the right of voting for members of Parliament was enjoyed by those who were 'freemen' of the borough. Originally this had meant freedom from serfdom. Among the ways in which a serf had been able to secure his freedom had been by living for a year and a day in a free town, or by apprenticeship for a certain term with a member of a guild. Serfdom had passed away centuries before, and yet the position of a 'freeman' in an English borough was a privileged and restricted one. We are not concerned here with the manner in which various meanings of the term 'freeman' had become confused and interrelated. It is sufficient to know that in the period with which we are dealing the most common means of becoming a 'freeman' of a borough were by birth, 'servitude,' marriage, purchase, and creation. This meant being the son of a freeman

[1] Ibid. ii. 119.

of the borough, having served a term—usually seven years —of apprenticeship to a freeman of the borough, marrying the daughter of a freeman, paying a stipulated sum of money, or being created a freeman by the corporation of the borough. The fact that application had to be made to the corporation council threw a great deal of power into its hands which was frequently employed in a corrupt manner. Of the seventy-five freemen boroughs, thirty-three were as completely in the control of individuals as the burgage or corporation boroughs. The city of Plymouth in 1794 had a population of about 20,000. It had 160 freemen, most of whom held good government positions. This was one of the government boroughs which were looked after by a government agent who distributed patronage and any necessary bribes with discretion and efficiency, and invariably returned two members to the House of Commons pledged to support the Government.[1] Cambridge was a good-sized town, but it had only 200 freemen. These were nearly all non-residents and holders of lucrative government appointments. The leading man of the corporation was a banker named Mortlake. After having granted the freedom of the borough to a sufficient number of partisans to control the election, he changed his allegiance and turned the borough over to the Duke of Rutland by inducing the corporation to create enough additional freemen to swamp, if necessary, their earlier creations. The new freemen were provided for by the Duke of Rutland in advance, and Mortlake himself became receiver-general of the post office and a commissioner of the tax office. The duke, of course, as the new patron of the borough, selected the members of Parliament.[2] The mock election which ensued has been described by Sir George Trevelyan:

> 'The Cambridge undergraduates, at any general election up to the Reform Act of 1832, enjoyed, and highly appreciated, an opportunity of learning something about the Government of a State which they could not find in their Aristotle or their Plato. The poll was taken, rapidly and decorously, in the sanctuary of the Town-Hall; while the non-electors, who were ninety-nine hundredths of the whole community, waited outside the building, well provided with the time-honoured

[1] Oldfield, i. 158–63, 143–6.

[2] Ibid. i. 43–5.

ammunition of civil combat, until the moment arrived for their part in the ceremony. When the result was declared, the successful candidates piteously implored to be excused the compliment of being chaired through the streets. But their supporters were inexorable. The doors were thrown open; the procession issued forth into the market-place; and, as soon as the faces of the new members were recognised by the people whom they were supposed to represent, the dead cats began to fly.'[1]

Oxford was also a freemen borough, but there were 650 freemen (the population was about 18,000), and for that number the cruder methods of wholesale bribery and free beer were necessary. The members of the corporation council, however, were active, as is evidenced by a letter written by them to the two members of Parliament, informing them that they would have to give them a certain sum of money immediately if they expected their support in the coming election.[2] In a number of freemen boroughs abuses were mitigated by local regulations. In 1794 in about half of the boroughs of this class there was a really open election.[3]

In the 'scot and lot' boroughs the franchise was enjoyed by all ratepayers. It would seem at first sight that in these forty-four 'scot and lot' boroughs and the fifteen 'pot-walloper' boroughs in which all householders voted, there was a real basis for democracy. But most of these boroughs were so small—twenty-seven of the forty-four had less than 300 ratepayers—that in those days of open voting and flagrant buying and selling of boroughs on every side, they were very easily controlled. More than half of them, however, were free from direct control by individuals. Ownership of a majority of the houses was the most effective measure of control. The payment of a bribe might be outdone by the payment of a larger one. In some of the smaller 'scot and lot' boroughs all or a majority of the voters got together and sold

[1] Sir George Otto Trevelyan, *George the Third and Charles Fox*, ii. 181–2.

[2] Oldfield, ii. 16–22. See also Porritt.

[3] In Dunwich the freemen were all members of the corporation council, but the franchise was vested in the freemen, not in the corporation. This illustrates the difficulty of drawing the line between corporation and freemen boroughs. I have classified as corporation boroughs only those where the franchise was vested in the corporation. This and the inclusion of the Cinque Ports largely account for the difference between my figures and those of Porritt.

the parliamentary representation to a patron by selling their votes *en bloc*. Westminster was the only really large 'scot and lot' borough. With 17,000 voters the election was an open one throughout the latter part of the period, and it was the only constituency in the United Kingdom where the conditions of modern democracy prevailed.[1]

In the English counties a forty-shilling freehold franchise prevailed. This produced more voters than in the boroughs, and consequently the counties were relatively open constituencies. Lease-holders and copy-holders were excluded, and freeholds were difficult to secure. But the ninety-two members for the English and Welsh counties represented in a real sense the counties for which they sat.

In the Scottish shires, on the other hand, the franchise was narrowly restricted. There was only one county in Scotland where the number of voters exceeded two hundred. About half the Scottish votes were created by fraudulent transfers of land. The Scottish counties were more easily controlled by patrons than the English boroughs. The Scottish boroughs were arranged in fifteen groups, each of which elected one member. In the whole of Scotland, neither in county nor borough was there anything approaching an open election. Representation of the people was entirely non-existent.

The government of the day could nearly always count on the support of the Scottish members. The patrons who controlled them cared little for Whig or Tory so long as they got the longest price possible, and since a generous distribution of government offices, sinecures, and pensions was the most effective means of manipulating the situation, it was with the Government that business could be most satisfactorily transacted. Lord Cockburn's account of an election in Scotland is of peculiar interest because, when the fatal hour struck for the whole system, it was he who prepared the scheme of reform for Scotland for Lord Durham's committee.[2]

> 'The return of a single opposition member was never to be expected. . . . The return of three or four was miraculous, and

[1] In many cases classification is difficult, and at least eleven boroughs in England and Wales cannot be included in the above classification because of the complexity of their franchise requirements.

[2] Lambton MSS., Durham to Russell, Oct. 21, 1834.

these startling exceptions were always the results of local accidents. . . . The people had nothing to do with it. . . . The election of either the town or county member was a matter of such utter indifference to the people that they often only knew of it by the ringing of a bell, or by seeing it mentioned next day in a newspaper.' [1]

Reviewing the whole situation in Great Britain, it can be confidently asserted that at the close of the eighteenth century a majority of the seats in the House of Commons was directly controlled by less than two hundred individuals. An estimate based on the facts presented by Oldfield in 1794 shows that 284 of the 558 seats were controlled directly by 162 individuals, and that the Government controlled 12 seats, making a total of 296 seats under direct control. In 1793, one year earlier, the Society of the Friends of the People asserted that 306 members were returned by 162 patrons.[2]

These members of Parliament were at the disposal of their patrons. They were allowed to invest themselves with all the panoply of liberty and even to write letters to their friends boasting of an absence from restraint. In the non-essentials there was a considerable amount of liberty. But let the member be discovered in the wrong lobby on an important question and the mask was off immediately. He had the legal right to hold his seat until the end of his term,

[1] Cockburn, *Life of Jeffrey*, i. 75.

[2] Oldfield gave a later description of the situation in 1816 which included Ireland, but was not materially different from his earlier one in respect to England and Scotland (Oldfield, *Representative History*, 1816). Books referring to this subject have constantly stated that Oldfield asserted that in 1816, 487 out of 658 members of the House of Commons were returned by nomination. The statement is incorrect. The number 487 included those returned by nomination and influence. Oldfield was in favour of reform or he would never have done the painstaking work that he did, but he was both fair and critical. He made a careful distinction between nomination seats and seats where some individual or family exerted a superior influence of a general nature. Influence of this sort was varied in its character, frequently precarious in its operation, and usually quite legitimate. Seats of this sort cannot be called nomination seats, and Oldfield did not so describe them. The result stated above is my own conclusion based on Oldfield's facts, checked occasionally by information from other sources, his facts, not his generalizations. The latter I believe to be excessive even when allowance is made for the distinction which I have indicated.

but to do so in opposition to his patron's wishes would mean social ostracism. This system had its code of honour more exacting than the law itself. It was seldom, however, that these sterner aspects of the situation needed to be emphasized. The patron usually received adequate service for the money invested, with the minimum of embarrassment.

The statement has been frequently made that this system enabled young men of ability to get into Parliament who would not have been able to do so under other conditions. The borough owners have been extolled as patrons of political genius. Some have gone so far as to pretend that the system was a truly representative one. The county seats represented the landed aristocracy, the larger scot-and-lot boroughs the common people, the patrons of the rotten boroughs represented the wealth of the country, and their members represented brains. This idea, which associated the rotten-borough membership with exceptional ability, is a piece of highly coloured romance.[1] There is no evidence whatever that the borough-mongers were on the look-out for young men of ability or political genius. There is every reason to believe that a greater number of men of ability would have been returned if the rotten boroughs had been non-existent and open elections had prevailed.

It cannot even be said with accuracy that the Government of this period, with its besetting need of satisfying and bargaining with these borough-mongers at every turn, was an aristocracy. Aristocracy implies some standard of value, some principle of selection, and here none existed. Even the motives which made a borough-monger varied greatly, and there existed among them the widest divergencies of wealth, education, and social rank. There is something to be said for the idea of a ruling class, but in this system those best fitted to rule did not do so. There is much to be said for an aristocracy of birth and fine traditions, but although nearly half the borough-patrons were peers, the better part of the peerage both in numbers and in quality had nothing to do with the system, and many of the peers who played leading parts in it possessed neither lineage nor high traditions. The

[1] For a discussion of this question, which I have followed in part, see Porritt, i. 311–32.

younger Pitt seems to have been willing to raise anybody to the peerage, provided he could use his money or his influence for the party, and it has been said on good authority that two-thirds of his creations were owners of rotten boroughs. It would have been infinitely better for Great Britain to have been ruled by the old territorial aristocracy than by this piebald oligarchy of borough patrons. This was the system that John George Lambton set his hand to destroy, and of the parliamentary leaders who ultimately co-operated to do away with it, he, from first to last, was the most persistent, the most daring, and the most successful.

This system was not one of recent origin, as has been frequently supposed. The situation was aggravated by the growth and shifting of population which accompanied the agricultural and industrial revolutions, and by various conditions that increased the price of seats, but most of the rotten boroughs were rotten enough in the Stuart period, and many of them had been created by the Tudor and Stuart kings with the specific intention that they should be manipulated as controlled boroughs.

The fact that the control of the House of Commons by patrons of rotten boroughs is a constant factor from 1688 to 1832 is particularly significant because of the larger powers developed by the Commons during that period. The Stuart struggle left behind it parliamentary government but not democracy. The traditional Whig policy following the revolution of 1688 had been the limitation of the royal power in the interest of the great Whig families, who controlled both houses of parliament and claimed to be the custodians of the liberties of Englishmen. Then, finding a means of placing the exercise of the King's powers largely in the hands of the ministers, they gave up for the time being the idea of further reducing the prerogative. That system was effective so long as they had to do with German kings who were not at home in English politics, but with George III, a thorough Englishman and a master of the game of politics, it was a different story. George gave a new lead to Toryism by securing and maintaining a personal exercise of the royal powers through the habits which ministers had built up. With remarkable shrewdness and success he bargained with borough-owners,

bought boroughs in the open market, and bribed members of Parliament. He was beaten ultimately, largely on account of the success of the American revolt. But Fox, one of the worst of politicians, as he was one of the greatest of political prophets, placed himself in a false position and attempted to carry ministerial control too far. Pitt rescued the King, but did so on his own terms. He was too much the son of his father to endure the restoration of 'personal rule'. He made large contributions to ministerial government and favoured Parliamentary Reform partly to undermine the dominant aristocracy, partly to check the royal power, in the interests of his own government. Chatham had proposed the addition of a few members to the counties. Pitt's more extensive proposal provided for the purchase of a limited number of rotten-borough seats and their transfer to counties and populous towns. Neither in motive nor in extent can either plan be conceived of as democratic. The former sought reform in order to check corruption and throw more power into the hands of the landed interests; the latter, as already indicated, to undermine the Whigs and check the King. Pitt failed in his effort for Parliamentary Reform and, securing his objects in other ways, lost interest in it. The reaction against the French Revolution and the condition of war swept Pitt, and nearly all others, into opposition to anything in the way of reform, an opposition led by Burke. Burke, for all his talk of 'liberty' and 'the people', hated democracy and was the prophet of benevolent aristocracy. That also was the position of most of the Whigs. But Fox, who loved liberty with a love that was at once more vital, more passionate, and more intelligent, gave to it a democratic content, and a few of the Foxite Whigs became real democrats. This small minority included the fathers of Lambton and Russell. It was from this group that there emerged not only the Society of the Friends of the People, but Charles Grey's more definite proposal of 1797 for the addition of twenty-one seats to the counties, the extension of the county franchise to copyholders and leaseholders, and the establishment of a uniform ratepayers' franchise in the boroughs. This plan provided also for a redistribution of borough seats,[1] and approximated

[1] See Trevelyan, *Lord Grey*, pp. 95–6.

more closely to the Great Reform Bill than any other proposed measure except that of Lambton in 1821, which, no doubt, owed a great deal to it.

In the meantime a Radical movement had been springing up, due mainly to a slight development of democratic theory in England before the French Revolution, the French Revolution itself, the Industrial Revolution, and the Benthamite philosophy. Each of these last three movements is of such vast significance in the history of Great Britain that no adequate treatment can be given in this sketch. We must content ourselves with the briefest reference to them. The democratic theory formulated in England in the years immediately preceding the French Revolution was a development from the earlier democratic theory of the Stuart period. It was based on the idea of abstract rights and is expressed in Major Cartwright's dictum, 'I am a man; therefore, I should have a vote'. Its suggestions for Parliamentary Reform usually included universal suffrage (that is, manhood suffrage), annual parliaments (meaning annual parliamentary elections), and equal electoral districts. These pre-French-Revolution Radicals, however, made very little immediate impression on Parliament or people.

Although the immediate effect of the French Revolution was to strengthen in England everything that made for reaction and repression, it nevertheless helped to create a more thorough-going type of Radical, as well as to foster an ardent sympathy with the ideals of the Revolution among the disciples of Fox. Thousands of working men received from the pages of Tom Paine their first lessons in political thinking, and thus the soil was prepared for the work of Cobbett and Hunt. After a generation had passed, Englishmen were willing to adopt many of the principles of the Revolution, so long as the French label was not too apparent.

The changes wrought by the Industrial Revolution are so familiar to-day to every schoolboy that they need not be recounted here. With remarkable rapidity the new economic forces created a situation in which political change was inevitable; they developed a receptive attitude to liberal and radical conceptions of government. Oligarchy found itself confronted by the awakening political self-consciousness

of the industrial middle-class and the working-class. That very succession of constant improvements in industrial process which characterized this period, made it easier for Englishmen to accept changes in the machinery of the state which, after the passing of a few generations, heavy-hearted conservatives in both Whig and Tory ranks were forced to accept in spite of all their wisdom.

Whether or not the Benthamite political philosophy was as inadequate as that of abstract rights or the doctrine of Rousseau is not our concern. It is sufficient that Englishmen were more easily led to democracy by a new theory of true British origin, free from the stigma of the French Revolution; and that this new type of English Radicalism was making significant conquests, especially among 'intellectuals', by the time Lambton began to force the pace in Parliament in the direction of Parliamentary Reform.

The Radical movement gathered great strength in the period after Waterloo, but its representatives in Parliament could be counted on the fingers of one hand. The two great parliamentary parties afforded little promise of support for Parliamentary Reform. The Tories were in power, and their post-war government has been as bitterly criticized as any administration in modern English history. One suspects that their critics have seldom tried to put themselves in their places. Twenty-two years earlier the Tories had begun a war against Democracy, that ghastly demon which had raised its head across the Channel, and from beginning to end they had waged that war with all the zeal of a sacred cause. To their minds the very foundations of society had been at stake, and fortified by the vision of the French Revolution with all its horrors they had displayed a consistency in striking contrast with the hesitations and divisions of the Whigs. And now that victory was achieved, were they to allow democratic sentiment to develop in England and the red hand of revolution to threaten everything that was dear to them? Were they to fail at home for want of a little coercion in achieving what had been won abroad by the grim necessities of war? It may be questioned whether they overestimated the amount of revolutionary sentiment in England any more than their critics then and later under-estimated it.

They gave England a mediocre but resolute administration in a reconstruction period. It was not because they loved corruption or failed to discern it that they maintained the system we have described; it was because to them order and stability were bound up with that system. To a prophet of Reform like Lambton their works and words were of the devil. For us, no matter how we may abhor their coercive measures, it should be easy to discern that these men were neither fools nor knaves. Their faults were those of defenders of the faith in all ages. Their faith was of that unfortunate sort that needed defending. It begot fear, and fear begot the suspension of Habeas Corpus, the spy system, the cruel sentences passed on political heretics.

The Whigs, on the other hand, were irresponsible and disunited. Many of them were Tories at heart. Many others were loyal to the Whig tradition, which was one of hatred of despotism and defence of popular liberties. Most of them hated the Tory code of coercion but they hated democracy quite as much. Holland House, that splendid shrine of liberalism, fostered the other Fox traditions, but even the Holland House Whigs were lukewarm on Parliamentary Reform, and among them democratic sentiment was either entirely absent or of an eminently unpractical type. Many of the Whigs were simply apathetic toward Reform, others were fearful of what the result might be. Some were personally interested in the old system on account of their own rotten boroughs. Some were converted in their hearts but speech lay palsied on their lips because they were afraid of splitting the party. To this it must be added that the Whig leaders, for all their talk about 'the people', enjoyed little real contact or sympathy with them, much less in fact than the Tory leaders. But the Whigs were fond of shibboleths, and if Parliamentary Reform could be expressed in the accents of 'liberty' something might yet be done with them.

Grey's attitude is not easy to understand. In the day when even Fox hesitated, Grey had led the young men of his party in the organization of the Friends of the People. He had been their spokesman in Parliament, and in 1797 had prepared the remarkable measure of Parliamentary Reform referred to above. Then despairing of the possibilities of successful

opposition in a period of anti-Jacobin frenzy, he had led the Whig secession from Parliament. In 1810 he made a speech in which he washed his hands of Parliamentary Reform until such a day as the people of England should 'seriously and affectionately' make the movement their own. As leader of the Whig party he refused to touch the subject. For twenty years he said not a word in public in favour of it, and then in a titanic struggle of eighteen months he led the forces of Reform to the great victory of 'the days of May'. The statement made regarding Grey by one historian and duplicated by scores of others that after 1792 'for forty years he was the foremost advocate of parliamentary reform' is too absurd to be commented on. On the other hand, the bitter attacks of Radicals like Place were grossly unfair. Dr. Trevelyan in his life of Lord Grey points out that he was subject to fits of despondency, and in the long period of Whig opposition he was quite hopeless of seeing the day when Reform would have any prospect of success. It might come some day, 'but he would make no effort to bring that day nearer, and was perpetually damping the more ardent spirits of his children and infuriating his son-in-law Lambton, by telling them that it would never come "during my life or even yours" '.[1] His biographer reminds us that it was in 1810—the year of his renunciation—that he took up his residence at Howick, far in the north, that lovely Howick whose claims and those of his children made him increasingly loath to take the long journey to London and a hopeless parliament. It may be added that the passing of the years brought an increasing conservatism. It was not only his unwillingness to press the cause; he set narrower limits to the extent of the reform required. His biographer emphasizes the words quoted above in regard to the time when the people of England should 'seriously and affectionately' take up the question for themselves, and finds those conditions fulfilled by the adoption of Reform by the middle class in 1830, when he broke his long silence. But had Grey cared to do so, he could have discovered middle-class as well as lower-class support for Parliamentary Reform before 1830. The truth of the matter is that Grey distrusted as he disliked the middle class. Disciple

[1] Trevelyan, *Lord Grey*, p. 184.

and friend of Fox though he had been, he was very much a Whig of the old school. He hated oppression, he loved liberty, he sought to make the cause of the people his own in the sense that he and his fellow aristocrats should rule as the custodians and protectors of the people's rights. He deplored the borough-mongering system, not only because it was corrupt but because it was inimical to the welfare of the people. If the middle classes when enfranchised would give adequate support to their 'natural leaders' among the aristocracy who were devoted to their interests, all would be well. But as for any legitimate desire or capacity for government on the part of the middle class—that was another story. He would not co-operate with middle-class leaders to secure Reform. That, if achieved at all, must be achieved by the Whig party and, whatever happened, the Whig party must be held together. He held them together by refusing to champion reform until their great chance came in 1830. At the same time he was influenced by Lambton's zeal before that date as he was upheld by it in the trying days that followed. Dr. Trevelyan appreciates this in the remark, 'Grey and his son-in-law were made to love and plague one another. And if Lambton was Grey's gadfly, the need was apparent.'

Brougham until 1830 was extremely hesitant in regard to Parliamentary Reform. He had some inclination toward reform of a limited scope, but he was opposed to its adoption as a party measure.

In confident and aggressive advocacy of Parliamentary Reform, Lambton and Russell stood almost alone among the Whigs in this post-Napoleonic period. They alone made proposals in Parliament, and persistently spoke in favour of it both in and out of Parliament. The reason for that has already been sufficiently stated. Not only were the stars favourable at their birth; they grew up into an appreciation of the Industrial Revolution and the new world it was creating. The development of the Industrial Revolution constantly strengthened their position, and the story of progress to and through the Reform Bill is largely the story of the triumph of Lambton and Russell. Russell, however, got as much more than he wanted in 1832 as Lambton got less than he wanted.

But they could not have succeeded without the help of the Radicals outside of Parliament. Westminster, the one large scot-and-lot borough, with its thoroughly democratic elections, had now become a great Radical centre. Francis Place, tailor, research student, wire-puller, Benthamite philosopher, election manager, was the centre of an aggressive group Cantankerous, sharp-tongued, opinionated, a clumsy and bitter writer, Place was a hard man to get along with, but the Westminster Radicals learned by experience that it was harder still to get along without him. His sympathies were narrow and his political wisdom is not impressive, but he was observant, shrewd, a master of local politics, and heroically devoted to the cause of the people. In 1807 he had secured the election of Sir Francis Burdett, a baronet of great wealth and courtly manners, whose polished and mellifluous oratory made a great impression on the people. If the description of Burdett as possessing 'a heart of gold and a head of feathers' is cruelly unfair, it may be said that his chivalry was admirable and his intelligence naïve. For years he was the idol of Westminster. The followers of Place and Burdett were drawn from all ranks of the middle and working classes. These Westminster Radicals aimed at 'universal suffrage', but they professed to be willing to accept household suffrage as a step.

At the same time an even more significant movement was sweeping through the country under the leadership of William Cobbett and 'Orator' Hunt, the first extensive agitation for Parliamentary Reform among the lower classes. The terrible conditions of 1815 to 1820 afforded a splendid field for demagoguery, and Hunt was a demagogue of the first water. He was the first great mob orator of British democracy, as Place was its first election manager and Cobbett the creator of the first cheap newspaper. Cobbett was frequently blatant and unfair, but he possessed very substantial ability. He was a master of clear and forceful English. For him Parliamentary Reform was a means to an end, the end being a complete readjustment of the social and economic order. The ardent friend of the agricultural labourer, he loathed industrialism as he hated aristocracy, and among the evils to be swept away were the funding system, paper money,

and the Bank of England. Though more radical than the other popular leaders, he was surer in his methods. He saved the people from many of the delusions of the hour and centred their attention on Parliamentary Reform as the one thing to be sought and all other things should be added unto it. Cobbett and Hunt preached universal suffrage and annual parliaments. The former showed at times a willingness to accept something short of that, but the latter was uncompromising.

Although the Radical movement of these years was a powerful one, the greatest dissension prevailed among its leaders. There was an open breach between the middle-class and lower-class sections. It is difficult to find any two Radical leaders who had any respect or liking for each other. Major Cartwright, the veteran of the Reform movement, was described by Place as pretty much of an old woman, 'exceedingly troublesome and sometimes as exceedingly absurd'.[1] Place and Burdett, the Westminster leaders, did not speak to each other for nine years.[2] Cobbett and Hunt exhausted the vocabulary of vituperation and indulged in every sort of warfare from newspaper articles to lawsuits. Place referred to Hunt as an 'ignorant turbulent mischief-making fellow'.[3] In his unpublished 'Political Narrative' he speaks of 'that utterly unprincipled fellow Hunt, whom Cobbett named the Liar and who perhaps excepting Cobbett himself, was the most impudent liar that ever appeared in a public character'.[4] Hunt hated Burdett and his middle-class Radicals. Cobbett ridiculed Burdett for having aristocratic friends—who, as a matter of fact, cut him because he was a Radical. Cobbett and Hunt both heaped scorn on the Benthamites, and Bentham said that Cobbett hated anything and anybody superior to himself. Place refused for years to speak to Cobbett. He referred to him as 'an impudent mountebank', 'an unprincipled cowardly bully', and 'one of the most base and cowardly drivellers ever heard of',[5] while Bentham accused Cobbett of 'malevolence and lying' and said that he

[1] B.M. Add. MSS. 27850, f. 108, quoted by Wallas, p. 63.
[2] Wallas, *Place*, p. 56.
[3] Ibid., p. 119.
[4] B.M. Add. MSS. 27789, f. 296.
[5] B.M. Add. MSS. 35145, f. 13.

was 'universally known for a vile rascal'.[1] Yet with due allowance for a little vulgarity and a considerable amount of fanaticism, these were all very estimable men and they all gave themselves with splendid devotion to a noble cause.

But these were pleasant amenities compared to their attacks on the Whigs. The hatred of these Radical leaders for anything and everything that savoured of aristocracy reminds us of nothing so much as the malice of some of the leaders of the French Revolution toward the aristocracy of France. There was a time when Bentham hoped to make a disciple of Brougham, but he fairly snorted with disgust every time the latter went off to dine with 'lord this or lady that'. Bentham frankly admitted that he loved to 'drag the nobility through the dirt', and the same may be said of James Mill, Place, and Hume. Cobbett said that the country gentry were the 'most base of all creatures that God ever suffered to disgrace the human shape'.[2] The Whigs were, in the eyes of these men, predestined to damnation and all its works, because they were aristocrats. Although he made exceptions of Durham and Brougham, Place constantly spoke as though the Whigs were hopeless because nothing could be expected from a lord. When he refers to the Whigs without using a violent adjective, one suspects him of carelessness. He displayed a decided preference for the terms 'dirty Whigs' and the 'dirty sneaking Whigs'. 'May their God the devil confound them.' To Hunt, the Whigs were plunderers in league with the Tories, and Cobbett called them a 'greedy and perfidious gang with whom the Radicals could no more co-operate than with the inhabitants of the infernal regions'.

The most striking thing about this was its terrible sincerity. The upper classes were made well aware of it, and they readily believed that, given the opportunity, these men would sweep away all the established institutions, including the monarchy, the House of Lords, and the Established Church.

Lord Grey in October 1819 wrote to his friend Sir Robert Wilson, who was falling under the influence of the Radical leaders:

> 'I will desire you to look at the men themselves who lead this cause. Is there one among them with whom you would trust

[1] Kent, *English Radicals*, pp. 277, 305. [2] Ibid., pp. 248, 299.

yourself in the dark? Can you have, I will not say any confidence in their opinions and principles, but any doubt of the wickedness of their intentions? Look at the men, at their characters, at their conduct. What is there more base, more detestable, more at variance with all taste and decency, as well as all morality, truth, and honour? A cause so supported cannot be a good cause. They may use Burdett for their instrument for a time, and you also if you place yourself in their trammels, but depend upon it, if a convulsion follows their attempt to work upon the minds of the people, inflamed as they are by distress, for which your reform would afford a very inadequate remedy, I shall not precede you many months on the scaffold, which you will have assisted in preparing for us both. [Their aim is to] pull down everything that is above them.'[1]

Strong as the Radical movement became after 1815, it could only hope to develop public sentiment among the middle and lower classes, and that public sentiment did not dictate to Parliament under the old system. Radicals could be elected in only a very few constituencies, and they had no influence on the Whigs. The only legal way to change the old system was for Parliament to reform itself. If that had not been done, with the rising tide of popular insistence a revolution would have been inevitable. To obviate such a revolution a parliamentary movement within one of the great parties was necessary. The situation seemed hopeless enough, but we can see now that hope for the future lay with three men—Lambton, Russell, and Grey. Without them there would have been no parliamentary action, and England would have passed through a revolution of violence and bloodshed.

[1] B.M. Add. MSS. 30109, ff. 56–8, Grey to Wilson, Oct. 24, 1819.

IV

MAKING THE PACE FOR THE WHIGS

Of the three men referred to at the end of the last chapter, it was Lambton who was always the first to act and who sought to go the farthest. Ultimately, too, he formed the one effective link between the Whigs and the Radicals. Up to 1818, however, the year to which this story of his life has been carried, he had formed no close associations with the latter. The great Radical drive was only two years old; for its most successful leaders, Cobbett and Hunt, he had little sympathy, and for the latter a profound dislike. He hated demagoguery, claptrap, false statements. It was clearly Cobbett and Hunt to whom Lambton referred when speaking in Parliament in favour of a petition for Parliamentary Reform in February 1817: 'He was as little disposed as any to sanction those wild, foolish, and disgusting principles of reform promulgated by certain persons out of doors which were founded upon the destruction of the social order and of all that was wise, permanent and useful in our invaluable system of law and government.' Lambton had a profound contempt for the doctrine that a man had a right to a vote simply because he was a man. He did not say but he probably felt that on that principle the vote would have to be granted to an idiot or a criminal. He believed in popular control of government, but he also believed in securing the safety of the State. Universal suffrage for the England of his day would mean the bringing to the polls of thousands of wretches, as degraded and irresponsible as they were illiterate—the 'rabble' as he called them—who might be used by demagogues and selfish interests for the worst possible ends. On the other hand, he would give the franchise to all householders paying rates, because, unlike his political associates and almost all the members of his class, he believed that the ratepaying householders of England as a whole could be trusted with the control of government. He had more sympathy with the Westminster Radicals than with Cobbett and Hunt, but he was a loyal Whig and he resented their abuse of the Whig party.

The death of Romilly in 1818 necessitated a by-election in

Westminster. On the 17th of November, at the instance of Place, the Radicals nominated John Cam Hobhouse, scholar, author, literary critic, biographer and worshipper of Napoleon, friend and confidant of Byron, a sturdy and conscientious man, whose idealism was tempered by common sense, but not too much common sense. The Whigs believed that Hobhouse was not at all a wild type of Radical, and it was decided not to run a Whig candidate.

Whig oratory in the north, however, introduced a disturbing element into the unusually peaceful tenor of Westminster politics. There was a Fox dinner at Newcastle in January. Lambton referred to the Radicals as 'brawling, ignorant, but mischievous quacks'. The reference was general, but he probably had Cobbett and Hunt in mind. Lord Grey deplored the introduction of American methods into English politics, an obvious reference to Place and Westminster. He also referred to Parliamentary Reform in words that Place described as 'apostacy and nonsense'.[1] On the 9th of February the report of Hobhouse's committee written by Place was presented to the electors. It referred to the Whigs as a 'turbulent faction', and contained a violent personal attack on Lord Grey. At the same time Hobhouse made a speech the wording of which was ambiguous but which was taken to mean universal suffrage. Lambton wrote to Grey: 'I was this morning summoned to a conference to consider whether we ought not to start a candidate for Westminster to-morrow against the committee after their report and Hobhouse's speech. All were unanimous that it was advisable after their atrocious insults and calumnies.' Lambton immediately called on Hobhouse, showed him the attacks on Grey in the report and characterized them as 'infamous lies'. Hobhouse said that he could not publicly disavow the report, but that he had had nothing to do with it. He told Lambton confidentially that he had disapproved of the attack on Grey, and that he had felt sure that it would bring a Whig candidate into the field. Lambton told him he still felt the same friendship for him personally, 'but that he would do everything in his power to vindicate Lord Grey'. Hobhouse replied that that was 'only what was natural, fair,

[1] B.M. Add. MSS. 36627, f. 39.

and honourable'.[1] On that basis the two friends launched into what was one of the most exciting election fights of the period. George Lamb, brother of Lord Melbourne, was nominated by the Whigs, and Lambton was his chief speaker throughout the campaign. On the question of Parliamentary Reform very little separated Lambton, Lamb, and Hobhouse, none of whom favoured universal suffrage. Lambton the Whig was a more clear-cut reformer than Hobhouse the Radical. 'Orator' Hunt nominated Major Cartwright on a universal suffrage, annual parliament platform. Bands blared, mobs hooted, speakers on all sides employed every art to get a hearing. Hobhouse and Lambton exchanged pleasantries on the platform. Had or had not Charles Fox said this or that, and had the Whigs given any support to Hobhouse before the date of the obnoxious report? Lambton asserted that he had done so, and then Hobhouse, admitting this exception, quoted:

> To Jack I owed great obligation
> But Jack unhappily thought fit
> To publish it to all the nation.
> Sure Jack and I are more than quit.[2]

Beer flowed freely. Lady Caroline Lamb dashed through the rain and the snow at the head of a bevy of lady canvassers on their mission of friendship to the lower classes. Lamb won the support of a strange medley of Tories, Whigs, and Radicals, and when the only large 'democratic' constituency in England had finished declaring itself, the poll stood—Lamb 4,465, Hobhouse 3,861, Cartwright 38.

It was a glorious victory, but the victors were unable to chair their candidate. Lambton wrote to Lord Grey that about two hundred people were wounded in the riot that ensued, and that the victor had been a prisoner for some time in a house near the hustings. The mob proceeded to celebrate on behalf of the defeated candidate by indulging in that favourite London pastime, breaking Lord Castlereagh's windows.

It all seems futile enough to us, but up in the north Lord Grey awaited the result with anxiety. To him it was a matter

[1] Howick MSS., Lambton to Grey, Feb. 12, 1819.
[2] *Times*, Mar. 1, 1819.

of personal vindication as well as of party triumph. He felt very keenly Place's attack on his character and the subsequent assaults from Burdett. He wrote to Wilson, 'I beg you to understand that nothing can ever make me forget or forgive the conduct of Burdett and his associates . . . men whom I consider as having degraded themselves from the character of gentlemen'.[1] On the 15th of February he had written to Lambton:

> 'I cannot omit saying how sensibly I feel all your kindness. When you married I remembered saying in a letter to Louisa that I felt for you as a father and I remember too, indeed I never forget, your answer. On every occasion since, I have never ceased to experience from you all the affection of a son, but never was I so deeply affected as on this occasion by the warm feeling which you have shown in consequence of the foul attack that has been made upon me. God bless you.'[2]

Immediately on receiving the report of victory, Lord Grey wrote to Lambton:

> 'You have done nobly and I congratulate you most sincerely on this glorious and useful triumph, which I have no doubt is due in a great measure to your personal exertions. To me individually it is most gratifying and I can only repeat that it is impossible I ever should forget the affectionate zeal with which you have resented the insulting and injurious attack that was made upon me.'[3]

The correspondence between Hobhouse and Lambton was almost immediately resumed in the most friendly and cordial terms.[4] The next Westminster election brought Hobhouse into Parliament, where he supported Lambton's efforts for Parliamentary Reform as heartily as they had fought one another on the hustings.

While liberal Whigs and moderate Radicals were fighting it out in Westminster in February 1819, the movement led by Hunt which had experienced a temporary set-back was

[1] B.M. Add. MSS. 30109, ff. 9–10, Grey to Wilson, Mar. 9, 1819.

[2] This letter was copied by Lambton into a locked book in which copies of his most treasured letters were kept and which is in the possession of the present Earl of Durham.

[3] Lambton MSS., Grey to Lambton, Mar. 6, 1819.

[4] Lambton MSS. and Add. MSS.

taking advantage of a favourable economic situation and entering upon its most powerful and demonstrative phase. On August 19 the 'Manchester Massacre' brought England to the edge of an abyss in which lay all the horrors of a reactionary reign of terror and an outburst of popular rage and devastation. The economic background of Peterloo is as important as the political, and in its more immediate aspects at least the former has been generally overlooked. The early months of 1818 had been months of prosperity in the textile industries, and the Lancashire spinners and weavers saw a splendid opportunity to strike for higher wages. By August—just a year before Peterloo—Manchester was the scene of what was almost a general strike. The situation was embittered by the fact that the men had been promised that when prices rose to a certain point wages would also be raised, and the promise had been ruthlessly violated. After a severe struggle accompanied by considerable rioting and attacks on property, the strike was broken and the strikers went back to work in a sullen frame of mind. Then came a severe depression in the textile industries, unemployment, and lower wages. The working men were ready to turn again to the movement for the reform of Parliament and universal suffrage as the means of remedying the conditions from which they suffered. In January 1819 Hunt appeared in Manchester. In the following months open-air meetings for Parliamentary Reform and repeal of the Corn Laws were frequently held throughout Lancashire. At the same time 'Unions' were organized for the same purpose. These Unions followed closely the Methodist form of organization with its 'classes', class-leaders, and weekly class-meetings. Where the Methodists read and discussed the Bible, these spinners and weavers read and discussed England's first cheap newspapers. There was also a certain amount of drilling, whether in preparation for military action or for orderly demonstration, it is difficult to say.

Such were the conditions in Manchester and the surrounding district when the great mass-meeting was held on St. Peter's Fields. All morning the delegates from neighbouring towns came marching in, and when Hunt arrived a little after one o'clock over 50,000 people had gathered. No attempt

had been made on the part of the authorities to prevent the meeting and the purpose of it was perfectly legal,—to discuss and petition for the reform of Parliament and the repeal of the Corn Laws.[1] The banners bore the usual Radical slogans, 'Universal Suffrage', 'Annual Parliaments', 'Vote by Ballot', 'No more Corn Laws'. A black flag and a banner inscribed 'Equal representation or Death' were later to be tortured into insignia of sedition. One of the two women's Reform societies carried a flag with the words, 'Let us die like men and not be sold like slaves'. At none of the meetings held throughout the country had there been any incitement to violence. For months soldiers had accompanied Hunt wherever he went. 'The Government', he said, 'always does me the honour to protect me by a strong military guard'.[2] And he had always urged the people to show them no disrespect. But this meeting far exceeded all others in size; the Manchester magistrates had heard tales of drilling, they believed that poverty and a feeling of injustice had brought the people to a desperate state in which anything might be expected. They had recently received instructions from the Government, which practically meant that they were to stop at nothing to maintain order. When they made their decision to arrest Hunt it is difficult to say, but he had not been speaking two minutes—and nothing he said was open to objection—when the Manchester Yeomanry, a local militia unit, was moved on to the field to act as a military escort to the constables who were to make the arrest. To arrest Hunt under these circumstances was no more an act of wisdom than of justice, but it was sweet reasonableness compared to using the Manchester Yeomanry as an escort. If the regular troops, who were at hand, had been employed in the first place, there would have been no Peterloo. But the Manchester Yeomanry were made up of local employers and their friends and sympathizers, and they represented and evoked all the hatred that had been simmering for months between employers and employed. This unit had been organized

[1] A meeting had been announced for an earlier date to choose 'delegates' to Parliament, as Birmingham had done. But that meeting had been cancelled. This has led to mis-statements regarding Peterloo.

[2] *Times*, Jan. 21, 1819.

during the recent strikes, and had been used against strikers in the neighbourhood of Manchester. They were as sadly lacking in military training as in other qualifications for a task of this sort.[1] The Manchester Yeomanry halted for a moment after arriving at the field, controlling their horses with difficulty. Then they approached the crowd at a rapid pace. The 'rapid course of the troop was, of course, impeded when it came in contact with the mob, but a passage was forced in less than a minute'.[2] The Yeomanry cleared their way to the hustings by bringing their swords down on the people, usually with the flat side down but sometimes with the sharp edges. Many were injured by the pressure of the crowd in its effort to break up, hedged in as it was between the hustings and the masses at the outside. After Hunt's arrest was effected, some raised the cry 'Have at their flags', and groups of Yeomanry charged for the banners. The resistance offered by those in possession of the flags was not very vigorous, but the bad feeling on both sides undoubtedly added to the number of casualties. One account says that the Yeomanry cut to the right and left to get at the flags. 'The people began running in all directions, and from this moment the Yeomanry lost all command of temper; numbers were trampled under the feet of men and horses.' Similar statements were made very generally in the newspapers of the day. Whether they were true or not it is difficult to say, but they represent what the people of England came to believe. Later charges by the 15th Hussars and the Cheshire Yeomanry cleared the field. Eleven were killed and between 500 and 600 were wounded, including a number of women and children.[3]

[1] An editorial in *The Times* a few days after the event, Aug. 21, 1819, called attention to the personnel of the Manchester Yeomanry. For details of their organization see Bruton, *The Story of Peterloo*, p. 13, and Bruton, *Three Accounts*, p. 87. For their employment during the strikes see Annual Register 1818 (*Chronicle*, p. 128), *Manchester Herald*, Sept. 22, 1818, and other contemporary newspapers.

[2] Stanley's Narrative in Bruton's *Three Accounts* (p. 16). Stanley's Narrative is the best account of Peterloo by an eyewitness. He was in the best position to see what occurred. He wrote with the precision of a careful observer and the detachment of an educated man who desired to be impartial. There is a manuscript copy among Lord Durham's papers.

[3] Dr. Bruton gives the results of a careful investigation of the casualties

The story of 'massacre' was carried on the wings of passion and exaggeration to every corner of the country. The indignation of the people was doubled when the astounding news followed that the Government had sent congratulatory messages to the Manchester magistrates and the officers of the Yeomanry, and was bringing Hunt and his associates to trial on the charge of 'having conspired to alter the legal frame of the government by force and threats'. Meetings of protest were held in nearly all the larger cities, some of which called for a complete inquiry, and others passed resolutions of censure on the Manchester authorities and the Government. The Whigs were torn between their antipathy for the Radicals and a feeling that their traditional love of 'liberty' should assert itself. Grey could always be counted on to show independence and courage when roused, and he was stirred by Peterloo. Other Whigs might pay lip-service to liberty; with Grey it was a real passion. But he distrusted and despised the Radicals more than any of his party. And Brougham for all his liberalism was ringing the changes on the Radical menace, while he was urging on Grey a policy of following rather than giving a lead to opinion among the upper classes. He doubted whether county meetings should be encouraged at all, although he grudgingly conceded that they might be justified if they asked for inquiry only.[1]

While Grey had Brougham at one elbow, he had Lambton at the other. As might be expected, the latter was all for the most vigorous form of protest. Lambton thought no better of Hunt than he did before. He wrote to his friend Wilson in regard to a meeting at Southwark: 'The only thing we [Lambton and Lord Grey] did not quite approve was your welcome of Hunt whether by hand or otherwise. Keep clear of him as you would of infection.'[2] But personal association with Hunt was one thing, and the issues raised by Peterloo something very different. As for county meetings to protest in regard to Peterloo, Lambton would not only support them,

in *Three Accounts*, Appendix B, pp. 81–5. For Peterloo see Dr. Bruton's books, the documents published by him, Bamford, *Passages in the Life of a Radical*, Annual Register 1819, and the contemporary newspaper accounts.

[1] *Brougham Memoirs*, ii. 261–5.

[2] Add. MSS. 30109, ff. 78–9, Lambton to Wilson, Oct. 4, 1819.

he would take the lead. Before the first of the county meetings was held in Yorkshire (for attendance at which Lord Fitzwilliam was deprived of his Lord Lieutenancy) he was already planning a similar meeting in Durham.[1]

The Durham clergy attempted to forestall him by inducing the magistrates of Sunderland to call a meeting on the 13th to vote an address to the Prince Regent supporting the actions of the administration, declaring that they 'viewed with concern the attempts of misguided men to bring the laws of the country into contempt', and affirming 'our loyalty towards our Sovereign and our attachment to the laws and constitution of the country'. Lambton's fighting blood was up. He went down to the Sunderland meeting and protested against the hasty manner in which it had been called and the hypocritical character of the proposed resolutions. He made a second speech to gain time while his supporters were increasing in numbers. Then a motion was passed voting Lambton into the chair, and shortly afterwards an adjournment was carried. In a reference to this meeting a few days later, Lambton said that he suspected that 'it was contrived in some obscure corner of a vestry, and that the address intended to have been proposed, would probably have been moved by a rector, seconded by a curate, and perhaps signed on behalf of the meeting by a sexton. I know by experience that resolutions and addresses proposed in such a manner have been palmed upon the country as the sentiments of the town of Sunderland'.[2]

The Durham County meeting was held on the 22nd. Lambton's speech was spirited and logical. He asserted that the object of the meeting was essentially 'to vindicate the principles asserted by their ancestors in the Bill of Rights, of fully and freely declaring their grievances by petition'. 'The fact could not be denied that English blood had been shed; and it was the duty of Englishmen to see that not one drop should be illegally or wantonly wasted.' The Manchester magistrates might have had reasons for arresting Hunt; of that he knew nothing. But certain facts were clear enough. The purpose of the meeting was quite legal. When

[1] Howick MSS., Lambton to Grey, Oct. 9, 1819.
[2] *Newcastle Chronicle*, Oct. 23, 1819.

Hunt had applied to the magistrates two days before they had raised no objections to the meeting, nor had they informed him of any charge against him.

> 'Nothing could justify the attack on the meeting simultaneously with the arrest of Hunt, when the warrants might have been executed without the least disturbance. . . . It was not until the swords of the Yeomanry had drunk deep in the blood of the people, that any violence was offered in return. This statement did not rest on solitary witnesses or doubtful facts, but on testimony before the whole world. . . . Some slave had brought forward the words on the banners of the meeting that day—"Liberty or Death", as a proof of the traitorous nature of the meeting! When the time came that the coupling of those words should be deemed the harbinger of rebellion, he should be glad to disown the country which had given him birth.'

He characterized the congratulatory letter of the Government as an insult to the people. If any Englishmen held back from protesting against this violation of constitutional rights, it behooved him to consider whether 'the next outrage might not be committed at his own door and on his own person'.[1] Although Lord Grey approved of Lambton's conduct at Sunderland and Durham, he 'could have wished that he had been a little less warm in some parts of his language'.[2]

A few days later, the Rev. Henry Phillpotts, a prebendary of Durham Cathedral, and a masterly controversialist, published a 'Letter to the Freeholders of the County of Durham', in which he quoted some of the stronger passages of Lambton's speech—(and some which do not occur in any account)—and bitterly attacked him: 'The constitution of our country is in danger, while he is thus playing with the torch of sedition and wantonly tossing it about, amidst the combustible matter which surrounds him.' He suggested that if Lambton were not saved in some way from his folly, the Radicals might partition his lands and divide his goods.[3]

In the meantime troops were on the march throughout the

[1] *Times*, Oct. 25, 1819; *Newcastle Chronicle*, Oct. 23, 1819; J. Reid, *The Political Career of the Earl of Durham* (a collection of Lord Durham's speeches published in 1835).

[2] B.M. Add. MSS. 30109, f. 58, Grey to Wilson, Oct. 24, 1819.

[3] B.M. pamphlet with title given above.

country, and preparations for building new barracks were made in many of the large manufacturing towns.[1] A special session of Parliament was called for November 23, and the famous Six Acts were passed with their stringent measures against drilling, the possession of arms in certain disturbed districts, seditious utterances and publications; their curtailment of the right of public meeting; and measures for the expediting of justice. By this time the Whigs had decided for the bolder role, and their opposition to the Six Acts was vigorous enough.

Lambton spoke four times during the debates on the Six Acts. He took occasion to deny reports to the effect that rebellion was rife on the banks of the Wear and the Tyne and that men had gone armed to a meeting near Newcastle.

> 'For his own part, he had left all that was dear to him, his wife, his children, and his property in the midst of these men, who were accused of disloyalty and disaffection, but upon whose loyalty and attachment he rested with implicit confidence. He apprehended more danger from the measures of that House, than he did from the turbulence of those who had been made the objects of so many calumnies.'

There was no revolutionary movement in the County of Durham. The only meetings held by the men were the 'class-meetings' where groups of about twenty men each met to read or to hear read publications in favour of Parliamentary Reform.

It was during this troubled session, in the midst of rumours of revolution, that Lambton broke from the restraint of party control and gave notice of a motion for Parliamentary Reform, accompanied by an outline of his proposals. For over twenty years no such step had been taken in Parliament by a Whig. (Burdett alone had made motions for Parliamentary Reform, and Burdett was a Radical who despised the very name of Whig). He was going ahead in spite of the party. He had been patient long enough. The dissatisfaction in the country was desperate. He knew the remedy for it. That remedy was absolutely safe, and would ensure the only form of government adapted to the changed conditions of

[1] Annual Register 1819, *Chronicle*, p. 98; contemporary newspapers.

English society. By this action on December 6, 1819, he initiated the series of Whig motions that culminated in the Great Reform Bill.

His speech was brief:

> 'Immediately after the Christmas recess . . . he should move for leave to bring in a Bill for the repeal of the Septennial Act, and for the making of parliaments shorter and more frequent. At the same time he should propose the extension of the right of suffrage to all copyholders and householders paying direct taxes, and also the destruction of what were generally called the rotten boroughs. . . . He deemed it [Parliamentary Reform] a subject in which all classes of his Majesty's subjects, and particularly the middling and lower classes, were most deeply interested; he firmly believed that the compliance of the House with the feelings of the people on it, would tend more than any other measure to alleviate the present disturbances, at the result of which, if they were to be permanent, no man could look for a moment without experiencing the profoundest horror.'

Eight days later and independently of Lambton, Lord John Russell began his reforming career by moving that the borough of Grampound (which had been convicted of notorious corruption) be disfranchised, and that whenever flagrant corruption or bribery should be proved in any borough, the franchise of that borough should be transferred to a large town or county. Lord Castlereagh consented to the disfranchisement of Grampound, and the other motion failed.

There was a vast difference between the proposals of Lambton and Russell. Although there can be no question as to which man was the more liberal at this time and throughout their careers, the degree cannot fairly be measured by the difference between these proposals. Lambton proposed the full measure of reform that he personally believed in as being requisite, sound, and safe. Russell desiring less, at the same time deprecated any suggestion of securing Reform at one plunge and attempted 'bit by bit' reform. None of his intended instalment motions, however, proved acceptable to Parliament. Ultimately Lambton and Russell were to achieve Reform at one plunge—together.

Then Russell was to have serious misgivings that they had gone too far, and Lambton within a short time was seeking to go farther.

When he returned home from this session of Parliament, Lambton received an extraordinary welcome from the working men and small tradesmen of the North. But the upper classes considered that things had gone much too far, as Lambton quickly discovered from his friends and associates. It was bad enough to press for Parliamentary Reform before the Whig party had made up its mind. To propose household suffrage was clearly democratic. It would mean the subversion of society. Westminster middle-class Radicals might play with it—though their play must be carefully watched—but for one of their own class to urge it in Parliament was very much like social treason. Burdett belonged to their class, and many of them had done their best to make him almost an outcast from good society. The fact that a Burdett could not be compared to a Lambton made excommunication more difficult and the sin more serious. It was an intolerant age, and it had forgotten about the Friends of the People (who had forgotten about themselves) and the Duke of Richmond. Lambton complained to Grey that nearly every one he met told him he was excommunicated at Holland House, the social centre of the Whig party.

Here, as on other occasions, however, his intractable temper did quite half the mischief. Lord Holland had said at Lord Grey's rooms in Hertford Street, in Lambton's presence, that his motion for household suffrage, if carried, 'would be as bad as a revolution'.[1] Lambton took violent offence at the expression. He told Grey several weeks later that he 'would never forgive it'. He must have known that the whole aristocracy and nearly every 'gentleman' in England regarded that motion as Lord Holland did, but he was indignant at being considered a revolutionary, when he was trying to save the country and every worthy institution from men whom he believed to be real revolutionists, the extreme Radicals.

Lord Grey was more patient and more tolerant than the others to Lambton, but he refused to split the party by

[1] Howick MSS., Lambton to Grey, Jan. 10, 1820.

espousing any measure of Parliamentary Reform. He gave Lambton a clear exposition of the policy which he insisted on maintaining, and did maintain until 1830.

After reviewing the services of the Whig party to the nation, he stressed the desirability of keeping it united. He would not break it up for any 'speculative or doubtful good'.

> 'From all I hear, I believe that the public opinion in favour of that measure [Parliamentary Reform] is greatly increased, but I have great doubts whether it is so increased, especially amongst those whose influence will always be greatest on such questions, as to afford any reasonable hope of its being carried during my life or even during yours. The result of all this is, though I think it highly desirable to raise the character of the House of Commons in the opinion of the public, by uniting the representative more closely with the constituent body, I would have that object pursued individually by those who are favourable to it, in such a manner as may neither divide the Whig party, nor pledge them to it in such a way as may make their acceptance of office—if anything so improbable as it being offered to them should occur—a reproach to them without it.
>
> 'This is shortly my creed upon the subject, which I submit to you as the result of more than thirty years' experience, and of my anxiety for yourself and for others, rather than of any interest of my own, for my views in this world, at least my public views, are nearly closed for ever.' [1]

Strange words, some of them, from the future Reform Bill Prime Minister, to the chairman of the committee that prepared the Bill! In his reply Lambton said, in effect, that if the Whigs as a party were not willing to espouse Parliamentary Reform they had better not attempt to make any public demonstration of liberal sentiments. It would be advisable to abandon the Fox dinner.

> 'In the present state of the public mind, we should sink "ten thousand fathoms deep" if we were to hold a meeting and not make Reform a principal and leading topic. Your anxiety to remain with your friends is quite natural. . . . I wish Lord Fitzwilliam had been as keen to stand by you at other times. As for Lord Holland . . . it is right that his great friendship for you and his commanding talents should produce a

[1] Lambton MSS., Grey to Lambton, Jan. 3, 1820. Given in Reid, i. 129–30.

corresponding influence over your mind, but when it is exerted to the bane of *the most important question that ever existed*—on which you have acquired the greatest reputation—I must deeply lament that its power neutralizes your efforts. As for myself, his language respecting my motion in your room in Hertford Street was such that I never will forgive it. Doubtless all this will end in my complete separation from the Party. I should not care if you were not at the head of it. From any of the others I never received a particle of consideration.'

He added that he was endeavouring to set on foot a dinner for the friends of Parliamentary Reform.[1]

Lord Grey remonstrated with Lambton for his attitude towards Lord Holland. Lambton again explained the reason for it, and added:

'Certainly there is no one who more keenly feels a slight than myself, and, if I feel it, I cannot assume a sense of content or cordiality. . . . If my own consequence and interests are to be advanced only by the hypocrisy of smiling on those whom I inwardly despise or detest, then I would infinitely rather remain as insignificant as I am at present. [He hopes, however, that Lord Grey will always speak his mind in disapproval of his conduct when it seems objectionable to him.] Deserted as I have been through life, left entirely to my own guidance and resources, such as they were, having no one to fall back upon in any emergency for advice or instruction, and sensible as I am of my own deficiencies both in nature and education, I should indeed be insane if I repelled the advice of one to whom I look up with such deference.'[2]

In another letter written to Lord Grey in this month of January 1820, he stated that he strongly approved of 'Associations for Reform' and was organizing them in the parishes of Durham.

Lambton was a sick man when he wrote these letters. He was suffering terrible pains in his head and face. In a very few years he was to learn that it was part of the price that he must pay for serving his country, that every period of extraordinary exertion was to be followed if not accompanied by weeks of pain.

He soon had a new battle to fight. The King died suddenly

[1] Howick MSS., Lambton to Grey, 'Jan. 1820'.
[2] Lambton MSS., Jan. 10, 1820. Given in Reid, i. 130–2.

in January, and that meant a general election. The Tories were determined to defeat at all costs the most advanced of the Whig reformers. Richard Wharton, chief Tory Whip and Chairman of the Committee on Ways and Means, was selected as the candidate who was to oust Lambton from his Durham seat. In view of the way many of the Whig leaders regarded him, it is not strange that the Tories attacked Lambton as a wild revolutionary. Spice was added to the conflict by the desperate efforts of the clergy, led by the cathedral group. Strong Tories in any case, they had a violent antipathy toward this young sprig of Satan who was becoming a national figure. His independence, his quick antagonism to anything like ecclesiastical dictation, his sympathy with the claims of the Dissenters, had been evident for some time; they had longed for the opportunity to displace him, and now that he had proposed household suffrage in Parliament, their hatred and their prayers became more fervent than ever. We may be sure that every parson did his duty with his parishioners. In the verbal warfare that ensued throughout the constituency, the pen of the Rev. Henry Phillpotts played a leading role.

One election dodger accused Lambton of courting the favour of the leaders of the mob. 'On him and almost alone on him, of all our legislators, is the confidence of the faction placed. . . . He comes among us, glorying in his conduct as the friend of Radicals, the excuser of Radicals, the flatterer of Radicals, puffed by Radicals, recommended by Radicals, the representative of Radicals.' One of the charges against him was 'his having declared to his constituents that the Manchester meeting of the 16th of August was legal'.

Another of the broadsides is a caricature entitled 'Speech, as it ought to have been spoken by Mr. Lambton, at the Durham County Meeting, 21st October, 1819'. The following passages will illustrate the character of the personal attack:

> 'Gentlemen, I am a great friend of public meetings . . . and whenever I hear that a public meeting is to be held, I care not at what distance or for what purpose, I have resolved for the future to order out my chariot and six horses, and twelve outriders, and proceed immediately (in the same style that I came here to-day) to the field of debate. . . . Within the last

month I have attended six assemblies of the people on public affairs, and have made three times as many Speeches, independent of having also honoured the Races at Richmond and Doncaster with my presence. . . . Gentlemen, it is but right that I should say a few words on the infamous conduct of the Clerk of the Course at Doncaster Races. My horse Agricola . . . was quite certain of winning the great St. Leger stakes; and yet that corrupt and imbecile man, Mr. Lockwood, the Clerk of the Course (who is as unfit for the situation he fills, as Lords Sidmouth and Castlereagh are unfit for their offices), had the arrogance and presumption to say that the horses had been fairly started when I declared they had not. . . . Gentlemen, I spoke at great length and with great temper on the Race Course, about the infamous treatment that my horse had received, and I even suggested to the High Sheriff (who happened to be present) that a County Meeting ought to be called to consider the proceedings of that disastrous day.'

The attack on the other side was quite as vigorous, and while there was a certain amount of coarse lampooning of Wharton, it was mainly directed against the clergy. Lambton's supporters soared to heights of poesy. The reader will be spared all but a few lines.

Shall Priestcraft her banner triumphant unroll
And bind in her shackles each free British soul?
Then heigh! for Durham's bonny green
Where Lambton will a story tell us,
Will fill the Priests with dire chagrin
And put to flight auld Roncesvalles.

Harry Phillpotts, Harry Phillpotts,
Your preferment was ill-got
By flattering and cringing and fawning,
For thy libellous slander,
Thou base salamander,

. . . . .

The prose is no less spirited. One passage praises Lambton for his efforts in the cause of the people, and says he might expect 'to be assailed by all the virulence and malignity of the whole herd of slippery sycophants, who live but in the smiles of Ministers and Bishops'. It is suggested that there should be a 'Bishop Rampant' on Wharton's coat of arms. In his own speeches, Lambton appealed to the electorate

mainly on the basis of his parliamentary record since the general election of two years before—protests in regard to Peterloo, opposition to the Six Acts, vindication of the people of the County of Durham against aspersions on their loyalty and law-abiding qualities—and his proposed measure for Parliamentary Reform. But he did not spare his opponents. The opposition to him proceeded, he said, 'on the one hand from disappointed jobbers, whose schemes for shackling the port of Sunderland I was active in defeating, and on the other hand from a body who never can forgive me for opposing their power, and for maintaining that though it be their duty to take care of our consciences and our souls, they have no right to interfere with our liberties'.[1]

Lambton did much more public speaking than most parliamentary candidates of that day. In this respect he was a pioneer of modern methods. Brougham said of him, at a time when he had no reason to be prejudiced in his favour,—'When he spoke in Parliament he distinguished himself much; and when he spoke at public meetings more than almost anybody'.[2] Albany Fonblanque, one of the ablest journalists of the period, who heard these campaign speeches of 1820, said that he had never heard 'speeches which so delighted immense multitudes so entirely free from any matter displeasing to the strictest taste. Mr. Lambton was no rhetorician; but he spoke what he believed to be true, with manliness, simplicity, and earnestness—the quality which makes the best part of eloquence'.[3]

The duel with Phillpotts was carried on by correspondence as well as by speech and pamphlet. Phillpotts wrote to Lambton that it had been reported that the latter on the hustings had applied the term 'slanderous falsehood' to a statement which he had made, and asked for an explanation. Lambton's reply was, 'I have only to say that the charge was directed against your pamphlet addressed to the freeholders of Durham county as a slanderous misrepresentation of my character and political opinions'.[4] This fight in Durham

[1] The above quotations are from Lambton MSS. and old newspapers at Lambton Castle.

[2] Brougham, *Memoirs*, iii, 335.

[3] *The Life and Labours of Albany Fonblanque*, ed. E. B. de Fonblanque, p. 82.

[4] Lambton MSS., Mar. 15, 1820.

County in 1820 is prophetic of the days of the Reform Bill when Lambton, as Lord Durham, was to be the most advanced champion of Reform in the House of Lords, and Phillpotts, as Bishop of Exeter, one of its ablest and bitterest opponents.

As might be expected, the Tory attacks on Durham as a dangerous Radical received support from some of the most influential Whigs. Sir Thomas Liddell had been a Whig member for the county and had supported Lambton in previous elections. He wrote to him as follows:

> 'Dear Lambton, These are not times to suffer private friendship to interfere with what I consider public duty; and I will frankly tell you that your conduct both in Parliament and in the county of Durham has appeared to me as dangerous, and likely to do such incalculable mischief that, even if you were my own brother, I should oppose you by all the means in my power.
>
> 'I cannot conclude without assuring you that it is with extreme regret that I return you this answer.'

To which Lambton replied:

> 'Dear Sir Thomas, In answer to yours, I beg to say that I feel gratitude for your frankness, compassion for your fears, little dread of your opposition, and no want of your support. I am, truly yours, J. G. Lambton.' [1]

The following extracts from a letter to his wife show that much as he hated the whole business of election treating, this outstanding champion of Parliamentary Reform felt that he had to do what everybody expected.

> 'We went 30 miles & met the inhabitants of Chapel Stanhope & Wolsinghouse, at each of which places I had to make a speech, and as Beaumont & his agent accompanied me all the time I was hard pressed not to say the same thing over & over again. On leaving each town I ordered six barrels of beer to be brought out to the market place and they all fell to drinking. It succeeded altogether very well, as no member for the County had been in Weardale in the memory of man, & I left the vale in a nice uproar.' [2]

[1] Lambton MSS.; *Times*, Mar. 21, 1820. Quoted in Reid, i. 137.
[2] Lambton MSS.

In the midst of this campaigning Lambton suffered 'thirty-one hours of incessant pain'.

When it was over the poll stood: Lambton (Whig), 1,731, Poulett (Whig), 1,137, Wharton (Tory), 874. The election had cost Lambton thirty thousand pounds (nearly half a million dollars in present-day Canadian values), a fair figure for county elections in those days, but not among the highest.

The year 1819 had closed with the people in an angry and dangerous state of mind. Some students of the period believe that England stood on the brink of revolution, and that Shelley's 'Rise ye lions after slumber in unvanquishable number' came very close to being a reality a few months after the words were written. Judgement on that question is difficult. Outbursts of lawlessness were sporadic, and there was very little active revolutionary propaganda. This was due probably to the much abused Six Acts, but after their coming into force the anger was deeper if it was more subdued, and, left to stand alone, the Acts ultimately would have aggravated the conditions they sought to repress. In 1820 relief came in an unexpected manner. The thoughts and emotions of all Englishmen were turned to 'the Queen's business'. This became the centre of attention as soon as George IV succeeded his father in January, and remained so until the end of the Queen's trial in November. Before the intense interest in it had died down, the long hoped for 'return of business to normal conditions' had arrived, and with plenty of employment, real profits, and higher wages, Parliamentary Reform ceased to be associated with thoughts of immediate revolution. To the populace there was something specially appealing about a scandal in the royal family, and here was a scandal of the first class. There was no lack of sensational evidence, perjured and otherwise, well spiced with improprieties which it was a public service to print in full, and a patriotic duty to be informed of and to discuss. Greville's words, 'Since I have been in the world I never remember a question which so exclusively occupied everybody's attention, and so completely absorbed men's thoughts and engrossed conversation', applied to all classes of society.

The fact that the lower classes gave solid and enthusiastic support to Queen Caroline was not due so much to any con-

viction that she was innocent as to their hearty antipathy to the king and their indignation against the Government. The upper classes, following the lines of party politics, gave as little consideration to the question of guilt. In the jury of the peers, with the honour of a queen hanging on their judgement, noble lord after noble lord rose to make the strongest plea that he could in condemnation or vindication, according to the dictates of Tory or Whig policy. Lord Grey was above that. The nobility of his character is one of the few saving features of a very sordid business. At the end of May he wrote to Lambton that the matter was one 'in which I think nobody that has either good taste or right feeling would wish to enter upon at all. When it comes before parliament a public duty must be discharged, and can only be satisfactorily discharged by doing what appears to be strictly right without looking either to the right or left. I do not think it ought to be taken up as a party question'.[1] When the trial opened he was determined to act upon the evidence alone. With that position his conduct throughout was consistent. The attitude of the party towards that conduct is clearly reflected in the shallow soul of Creevey. At first the latter sneers at Lord Grey as 'a rigid lover of justice; he did not care a damn about the [party] cause; he was come up to do his duty and should act accordingly'. And therefore he was one of the greatest fools that Creevey ever knew in his life. When he carried an amendment dictated by his conscience, 'Grey's conduct throughout this business has been most injurious to the Queen, her counsel, and her cause'. It became worse. A few days later 'Grey, according to custom, has done all the harm he could. He is more provoking in all he does than these villains of Ministers themselves'. When he is finally convinced by the evidence and speaks in favour of the Queen, 'Lord Grey's speech' is 'quite of the highest order—beautiful—magnificent—all honour and right feeling, with the most powerful argument into the bargain. There is nothing approaching this damned fellow in the kingdom, when he mounts his best horse'.[2]

This is all the finer, when one realizes that the opportunity

[1] Lambton MSS., Grey to Lambton, May 29, 1820.
[2] Creevey Papers, 313, 329, 331, 336.

which Lord Grey was willing to sacrifice was one of the richest that ever came to any party. The Whig support of the Queen placed them side by side with the Radicals in the affection of the people. The Tories were now set off by themselves as heartless tyrants and vessels of injustice. At the same time the first break was created in the Tory party, which was to split wider and wider until 1830, when the Whigs got their chance. Canning had never been thoroughly at home in the Liverpool administration, but outward unity was preserved until, unable to stomach the treatment of the Queen, he sent in his resignation. The resignation was temporary, but the unity was destroyed for ever.

The Whigs, by taking the position they did, appropriated for themselves the blaze of glory that broke upon Henry Brougham. As the Queen's leading counsel he won, in the popular imagination at least, what was probably the greatest triumph in the history of the century. Whatever may be said about the profundity of Brougham's law, a mere layman can appreciate the masterly tactics of that defence. And his speeches surpassed everything in that generation. Popular before, Brougham now became for that age the tenth wonder of the world. England rang with his name and fame. Wherever he went crowds thronged to see him. When he went up to Newcastle to plead a petty and most uninteresting case for his friend Lambton, the court-room was more crowded than 'if it had been murder or crim. con. Many came from a distance, and a number of ladies secured their seats as early as seven in the morning'.[1] This popularity, stimulated by his efforts for popular education, the abolition of slavery, legal reform, proved to be one of the greatest assets enjoyed by the Whigs in the days of the Reform Bill.

Lambton took little part in the earlier discussion of the Queen's business. His attitude was similar to that of Lord Grey. In the middle course of the trial, while Grey was still acting in a manner frequently unfavourable to the Queen, Lambton wrote to him that if he (Lambton) had been in the Lords he would have voted in the same way as Lord Grey had on every motion. He had left London early in the summer and his friend Sir Robert Wilson kept him posted

[1] *Times*, Aug. 15, 1820.

in letters that read like a daily bulletin. Wilson was a gallant generous soul, with a glorious lack of judgement. But it was only in action that he was interesting. In speech he was deadly dull. These letters contain no information of special interest, and the interminable gossip is never of any importance. It had been said that 'in Wilson's hands a joke is no laughing matter', and even the humours of the Queen's trial were completely lost upon him.[1]

Lambton had a more interesting correspondent in the person of Edward Ellice, who reported to him that at Brighton—where George IV was living—the manager of the theatre told Lord Darlington that he dared not permit the performers to sing 'God save the King', apparently for fear of a riot.[2]

After Lambton, like Lord Grey, had become convinced of the Queen's innocence, and the corrupt character of the evidence against her, he not only took part with the other Whigs, but leaped into the lead. He organized the first county meeting to protest against the conduct of the Government and to petition for the full restoration of the Queen to the privileges to which she was entitled. At this Durham County meeting Lambton said that 'from the moment of her setting foot in Italy, boatmen, chambermaids, discarded servants, Hanoverian ministers and even English ambassadors, seem to have vied with each other as to which had the best claims for their salaries for tale-bearing and slander'. He

[1] 'A certain bishop in the House of Lords rose to speak, and announced that he should divide what he had to say into twelve parts, when the Duke of Wharton interrupted him, and begged he might be indulged for a few minutes, as he had a story to tell which he could only introduce at that moment. A drunken fellow was passing by St. Paul's at night, and heard the clock slowly chiming twelve. He counted the strokes, and when it had finished, looked toward the clock and said, "Damn you! Why couldn't you give us all that at once?"' (Greville, i. 30). Denman was constantly making jokes, only to fall a victim himself to the one that spread the farthest and lasted the longest. After a brilliant argument for the Queen's innocence, he alluded in his peroration to our Lord's words to the woman taken in adultery, 'Neither do I condemn thee; go and sin no more', which gave rise to the immortal epigram:

Gracious Queen, we thee implore,
Go away and sin no more.
But if that effort be too great,
Go away at any rate!

[2] Lambton MSS., Ellice to Lambton, Sept. 14, 1820.

rejoiced at the support given her by the people of England, and criticized in detail the unfair manner in which her trial had been conducted. The ministers 'had instituted measures in Parliament against which one of their own body had remonstrated in council and from which he fled as from a pestilence'. (Canning had purposely travelled on the Continent while the trial was in progress and resigned after its termination.) An address was also passed calling for a parliamentary inquiry into the conduct of the Milan Commission. *The Times*, in a strong editorial, supported the position taken, and expressed the hope that every county in England would follow the example set by the county of Durham.[1] A few days before, in a letter to Wilson, Lord Grey had described the difficulties of securing a meeting in Northumberland. 'In Durham they are going on vigorously; but then they have Lambton to put them in motion whose spirit, energy, and zeal are inimitable. I heartily wish I inhabited the same county with him.'

On February 5 Lambton seconded a motion of censure on the Government, moved by Lord Tavistock. He covered much the same ground as in his Durham speech, but was more outspoken in his charges of perjury.

Lambton's friend, Sir Robert Wilson, was always to the fore in demonstrations on behalf of Queen Caroline. At the Queen's funeral [2] Wilson rode with Brougham in a prominent position. When a skirmish developed between the soldiers and the crowd, he sought to stop it by remonstrating with the former. On account of this, apparently, but with no explanation whatever, Wilson was dismissed from the army. Lambton chivalrously defended him in Parliament and elsewhere, and made a most generous contribution to an annuity fund raised by his friends. An interesting feature of the correspondence was Lambton's offer to Wilson to see Canning on his behalf. 'I am sure he is not an ungenerous opponent and would be open and explicit.' [3]

[1] *Times*, Dec. 18, 1820.

[2] When word came of the death of Napoleon, Sir Edmund Nagle broke the news to the King, with the words: 'Sir, your bitterest enemy is dead.' 'Is she, by God!' replied George IV. Queen Caroline died three months later (*Journal of Henry Edward Fox*, p. 81).

[3] B.M. Add. MSS. 30109, f. 337, Lambton to Wilson, Nov. 11, n.d.,

In the meantime, at the Fox Dinner held in Edinburgh, January 12, 1821, Lambton had proposed as necessary measures the repeal of the Six Acts, the removal of the political disabilities of Dissenters and Roman Catholics, severe measures of economy, and especially 'a reform in the representation of the people of England'.[1]

On April 17 he brought forward his postponed motion for Parliamentary Reform. He had felt it useless to propose it in the session of 1820. During the agitation over the Queen 'the House of Commons I am sure would not have listened to the announcement of the coming of the Messiah'.[2]

Instead of bringing in his Reform Bill directly, Lambton moved that the House resolve itself into committee of the whole 'to consider the state of the representation of the people in Parliament', after which he proposed to introduce resolutions based on the Bill which he had prepared and which he described in his speech, and then to move for the introduction of the Bill itself. His speech was a strong presentation of the case for Parliamentary Reform. Not only was it masterly in arrangement, content, and delivery,—Canning, who was an inveterate opponent of Parliamentary Reform and was the only individual attacked in the speech, said it was 'quite perfect',—but it bore also many of the marks of political prophecy. To quote from it extensively would be to repeat much of our chapter on the 'Need of Reform'. He emphasized the recent increase of popular education as a reason for the extension of the parliamentary franchise:

> 'I lately, sir, had an opportunity of ascertaining the habits and opinions of a large portion of those classes [the middle and lower classes] in the North of England; and I must confess, that I was astonished at their improved intelligence,—at their vigilant attention to political subjects. There was hardly a village, however secluded from the world, however remote from large cities, however seemingly cut off by difficulties of access from communications with society, in which I did not observe the most vigilant attention to all the great points of our national

evidently 1821. There are a number of papers among the Lambton MSS. dealing with this matter.

[1] J. Reid's collection of speeches, p. 99; *Times*, Jan. 17, 1831.

[2] Howick MSS., Lambton to Grey, June 7, 1820.

policy, and the most scrutinizing observation, not only of measures but of men. Were these symptoms to be discovered even twenty years ago?'

He strongly repudiated the suggestion that owners of disfranchised rotten boroughs should be compensated. He suggested that it might be a good thing if members of Parliament were paid (a reform that was achieved nearly a hundred years later). He compared the fine Blackstonian theory of the constitution with its practice. 'In the enumeration of those checks we must entirely omit that of the people; for they are not represented in the legislature.' The great majority of the members were returned 'without the remotest shadow of popular delegation'.

He gave a long historical outline of the development of parliamentary representation. It was too long, no doubt, but it shows the care and study which he had devoted to the subject, and is an illustration of the thoroughness which characterized all his work. After describing his Bill, he discussed the practical results of the existing system:

'I deny that the effect of a reform would be to exclude men of talent without property from the House of Commons. . . . But even if that were the case, I hold it to be no argument against reform. For was this House originally intended as a theatre for the display of talents and abilities? I submit that I am entitled to make the talents of the members subservient to the purity of the House. To take the case into private life, I must confess, that in my own establishment, I would much rather be served by a man of plain, downright, even stupid honesty, than by the most eminently gifted rascal that ever wore a livery. . . . This is not a time at which *public opinion* can be trifled with; it is making rapid and mighty progress throughout the world.'

The Bill which Lambton proposed at this time so closely resembled the Great Reform Bill of 1832 that it may be regarded as the model from which his committee constructed that measure. Like the Reform Bill, it provided for the abolition of the rotten boroughs (without compensation), the extension of the county franchise to copyholders and leaseholders, a shortening of the period for elections, the provision of an adequate number of polling-divisions and polling-

booths, and the safeguarding of a life-interest to those already enfranchised. It also provided for triennial parliaments, which provision, altered to quinquennial parliaments, was included in the original draft of the Reform Bill as presented by Lord Durham's committee to the Cabinet. It differed from the later Reform Bill in only two important respects,—it extended the suffrage to all householders paying rates instead of to £10 householders, and it developed a unique scheme of division into uniform electoral districts.

The motion was seconded by Samuel Whitbread (son of the school-mate of Lambton's father), who was, like Lambton, a left-wing Whig. It was supported by Hobhouse and Wilson, both personal friends, and at that time both Radicals. The debate took an unusual turn. Hobhouse, valiantly as he supported Lambton, took advantage of the opportunity to clear off an old score against Canning. Canning with his sardonic tongue had on a number of occasions held the typical demagogue up to ridicule, and the demagogue had been described in such a way that the picture was always fitted to Hobhouse. The latter had had quite enough of this and he had carefully prepared a portrait of a political adventurer. The House immediately sensed the game, and while Hobhouse's political opinions had few supporters, there were many members who rejoiced in seeing Canning forced to take his own medicine. He took it beautifully, 'turned all colours, pulled his hat over his eyes'. When Hobhouse was through, Lord Nugent said to him, 'Either you or Canning will this night have had the damnedest dressing ever a man received in Parliament'.[1] When Canning, to everybody's surprise, did not speak that night, it was thought that he would surely speak next day. It was unbelievable that he would not hit back at Hobhouse, and it was known that he had come over from Paris especially to speak against Lambton's motion. The army estimates came on first next day, and nearly everybody, including Lambton, went away to return for the continuation of the debate on Reform. The estimates were through in a short time, and Canning, with only a hundred members present, did the unexpected thing and divided the House on Lambton's motion. Lambton

[1] *Recollections*, ii. 145–8.

returned a few minutes later to find the debate ended and his motion lost. As he entered a laugh ran around the house. It was too much for his temper. Immediately he was on his feet, storming to the Speaker about being laughed at and asking that those who had laughed be manly enough to rise and admit it. The Speaker ruled that it was very difficult to be sure that the members were not laughing at something else, and thought it better to assume that to be the case. Huskisson and Dawson, who were named by Lambton, solemnly assured the House that other matters had been the cause of their mirth, and Whitbread and Brougham sought to assuage Lambton's wounded feelings. The latter remarked that the country would be very much disappointed at the way the debate had terminated, and then the House resumed the even tenor of its way.

It was not a pleasant experience for a man of Lambton's temperament, but eleven years later he had the satisfaction of seeing the greatest revolution in English political history effected by the passing of a very similar measure, largely the work of his hands.

V

PERSONAL CHARACTERISTICS

When he introduced his Reform Bill of 1821 Lambton was twenty-nine. Having followed to this point his career as a figure in the political world, it is desirable that we should have before us a portrait of the man himself, sharpened somewhat by reference to other interests and characteristics. The most prominent traits of character are fairly clear, but for the finer lines the references are all too fragmentary. His own letters are almost entirely political, and his correspondents, understanding his interests, wrote little else. Even when travelling in Italy for his health, Henry Fox notices that 'he thinks completely upon politics; it is the subject that entirely engrosses him'.[1] Two other strong interests, however, emerge from the fragments referred to and from his letters to his wife,—his home and racing.

He was a little over medium height. In his youth he was very slight. When he reached the age of forty-five he weighed eleven stone four—one hundred and fifty-eight pounds. His complexion was quite dark, with hair black and curly, a sensitive mouth, eyes bright and piercing. He was constantly referred to as a remarkably handsome man. On one occasion Lady Westmorland's maid reported that a gentleman had called during her absence, but had not given his name. Her ladyship asked if the visitor was like a fine Murillo, and when the maid said that he was, she felt sure that it was Lambton.[2] He carried himself with a fine dignity which could resolve itself on occasion into a brooding cloud, an exquisite charm of manner, or a blaze of passionate enthusiasm or indignation.

Reference has already been made to his delicate childhood. It was with difficulty that his body was saved then to carry his soul out to the turbulent career of a radical aristocrat. But that was only the beginning of a life-long battle which he fought valiantly and lost at the age of forty-eight. At what time the terrible pains in his head began we cannot tell. We hear of them first in his early twenties. From then to his death there was hardly a month when they did not plunge him into days of agony. From the age of thirty there was

[1] Fox's *Journal*, p. 236.

[2] Ibid., p. 234.

scarcely a year that he did not experience a breakdown. Of his ninety-six extant letters to his wife, thirty-one speak of the pain, frequently severe, that he is suffering at the time of writing, five are written immediately after severe attacks, in three he is just keeping up, in three he is 'tolerably well', and in four only does he state that he is well; the others make no reference to his health. These do not cover his more severe illnesses, during which Lady Durham was always with him. The children fell into the habit of beginning their letters with 'My Dear Papa,—I hope your head is better'. Some one has pencilled on one of his letters at Howick that apparently he lived on calomel. It is literally true that for weeks he lived on bread and tea. Lord Grey was constantly urging him to slacken his pace in regard to work, rich dinners, hunting and shooting, but in the periods in which he was relatively free from pain he found it hard to give up any of them. For these conditions his energies were titanic and his life far too tempestuous.

There was, no doubt, an intimate connexion between his physical state and his violent temper. His more famous and unfortunate outbursts always followed some severe loss which preyed upon his frayed nerves. His sensitiveness and his emotions were as quick as his mind was keen, and at times they got the better of his judgement. His temper was arbitrary as well as violent, and appeals to his reason often only fanned the fires. Henry Fox, Lord Holland's son, who shared his father's antipathy to Lambton, writing at the age of nineteen, speaks of him as 'that ill-tempered, spoiled child', and says that 'his insolence to everybody and his tyranny in his own family are insufferable'.[1] Lambton frowned too much on Fox's youth as he opposed too violently his father's politics; his pictures of Lambton's temper are probably not free from malice. They include exhibitions of door-slamming and cloudy sullenness. '[Lambton] Oct. 18 . . . Lambton quarrelled with Mr. Wyville and others about his horses being supposed to be favoured, and was as cross as possible. The chief amusement was slipping shillings down Mrs. Lumley's back and then fishing them out. This made Lambton crosser. He overheard a conversation I had

[1] Ibid., p. 93.

with her, for which I shall never be forgiven. He looked blacker than thunder ever after.' [1] The whole passage suggests the outraged feelings of a dignified host, who was allowing himself to be ridden by a few wild men, some of them youngsters.

Greville, who was strong in his dislikes, seldom referred to Lord Durham in his journal without a derogatory remark, but the main emphasis was on the fact that 'his violence and insolence' were always 'vented upon Lord Grey, and the rest of the Cabinet were obliged to submit'. Greville, who hated the Reform Bill, believed that it was a good thing Richmond belonged to the Reform Bill Cabinet because he would stand up to Durham. 'Durham has an over-bearing temper and his father-in-law is weak.' The outbursts of temper described in detail by Greville will be referred to in later chapters.

The worst stories of Durham's temper are told by Creevey. It must be borne in mind that with the exception of Lord Grey, who provided him with a much-needed sinecure, every great man of the period would be damned by the judgement of Creevey. Without any means of his own, Creevey lived on the fat of the land by maintaining an endless chain of visits to the great country houses, and criticized his hosts in letters which were well spiced because they were intended for publication some day. The spice was the principal thing; truth was a secondary consideration. Yet much that Creevey wrote had a basis of truth. One of his many names for Lambton is 'the Angry Boy'. On one occasion,—'The Monarch was very amiable and barring one volcanic eruption against the postboys for losing their way within five miles of this house, our journey was very agreeable'. On his first visit to Lambton he reported that 'the capricious young tyrant and devil is all graciosity to myself'. Three days later he wrote:

> 'The night before last, between 12 and 1, I being in the library where the same cold fowl always is with wine and water, Lambton came in out of the hazard room, and, finding no water, begun belabouring the bell in a way that I thought must inevitably have brought the whole concern down. No effect was produced, so he sallied forth, evidently boiling, and when

[1] Ibid., pp. 146–7.

he returned he said: "I don't think I shall have to ring so long another time." This is all I know of my own knowledge; but, says Lady Augusta Milbank to me yesterday—"Do you know what happened last night?"—"De tout," says I.—"Why," says she, "Mr. Lambton rung the bell for water so long that he went and rung the house bell, when his own man came; and upon saying something in his own justification which displeased the Monarch, he laid hold of a stick and struck him twice; upon which his man told him he could not stand that, and that if he did it again he should be obliged to knock him down. So the master held his hand and the man gave him notice he had done with him. . . ."' [1]

Hobhouse was a member of this party at Lambton Castle in October 1824, and this is his comment on Creevey:

'I cannot say I formed a favourable opinion of this gentleman from his visit to Lambton. He seemed to me to be a very wag, and one who would let no principle of any kind stand in the way of his joke. When he had no jest to excite laughter he tried grimaces. . . . One of his constant topics was the absurdities of Michael Angelo Taylor, with whom he lived more than any other man. All this is true, but of Creevey's superior abilities there can be no doubt. He has a strong and quick memory, and that lively perception of the ridiculous which goes far to make an entertaining man. Raillery of the present and detraction of the absent were his weapons for general talk; but when serious he showed sound and honest views, both of public and private duties, and discovered qualities which might adorn a higher character than he had endeavoured to acquire.' [2]

Lambton's splendid hospitality was generally attested. His generosity, public and private alike, was praised by every one, from his neighbours in the North to acrid Francis Place in Westminster, with all his hatred of the Whig aristocracy.

Hobhouse, who knew him well and laughed at him at times with the rest, gave this as his final judgement:

'Lord Durham was, in the main, a kind and friendly man. Whatever defects he had were on the surface, and he took no pains to conceal them. . . . He had an abundance of political courage, sometimes, perhaps, a little approaching to rashness;

[1] Creevey Papers, 398, 424–5.

[2] *Recollections*, iii. 80–1.

but, in his intercourse with his friends, he was by no means overbearing, nor, excepting in public controversy, arrogant or overbearing.'[1]

Harriet Martineau believed that the current ideas in regard to his temper were much exaggerated. She was as partial to him as Creevey was against him. She stated that during the time she was visiting at Lambton Castle, she never on a single occasion saw him exhibit bad temper. Colonel Couper, his Military Secretary in Canada, bore similar testimony, in spite of the fact that it was his 'painful duty' to submit many annoying and irritating subjects to Lord Durham, and 'the frequent severity of his bodily suffering when compelled to consider them'.[2] The truth seems to be that on occasions, sometimes the most trying, Lambton exercised remarkable control. He reminds one very much of the man who, when remonstrated with for not controlling his temper, replied, 'My dear sir, I have controlled more temper in the last twenty-four hours than you ever had in your whole life-time'. But when he did lose control, there was no consideration that stood in his way. He simply 'saw red'. Men noticed that his most terrible attacks were on Lord Grey, whom he professed to love, and they wondered how Grey could be so patient. They attributed it to consideration for Lady Louisa, but another reason probably lay in the fact that Grey understood that there was no inconsistency between these outbursts and Lambton's deep affection for him. That must sometimes have been the case with Lady Louisa herself. Even the presence of servants was ignored for the moment. Mr. Stuart Reid has told the following story, narrated to him by Lord Durham's grand-daughter, the late Duchess of Leeds.

'He was dining one night at Lambton Castle with the Countess, and the only other persons in the room were the servants. He spoke unguardedly across the table to his wife, and swept aside her remarks with brusqueness. When the men withdrew, she, the gentlest of women, remonstrated. Instantly, Durham, who had not realized the force of his words until that moment, sprang to his feet, rang the bell, and—fearful that his words had already been reported—ordered the whole of the house-

[1] *Recollections*, v. 291. [2] *D.P.* 6, iii. 533 seq.

hold into the room. He told the astonished servants that he had been momentarily betrayed into hard and unjust words, declared that he was sorry for the fact, and assured them that there was one thing that they must remember, which was, that if he ever contradicted the Countess again, he had put himself into the wrong and she was always right. Then, turning to his wife, he apologized to her in their presence and dismissed them.'[1]

His recovery was not always as quick as that, but it always came. His letters to Lord Grey, expressing remorse and begging forgiveness, are pathetic but appealing; his letters to others seeking reconciliation are characterized by frankness and magnanimity. He was too generous to hoard resentment. He quarrelled with most of his friends, but the strained relation frequently lasted less than a week, in Brougham's case only did it continue for more than a year, and he died on good terms with all of them.

Brougham, who knew him so well as a friend and then as the most violent of his enemies, wrote in his final judgement: 'He was in the best sense of the word high-spirited. He was generous, open, and incapable of falsehood or meanness of any kind.'

His marked independence of spirit, his courage,—recognized by friends and enemies alike and only criticized at times because there was too much of it,—the keen quality of his mind and his remarkable ability to analyse a situation and realize and describe its biggest and broadest aspects, are all intimately related to his political career and illustrated in other pages of this book.

Hobhouse's statement that Lord Durham 'had cultivated his understanding with more assiduity than is usually bestowed upon intellectual qualities by young men of his position',[2] might not of itself mean very much, but there is plenty of scattered evidence of his love of reading and, in his correspondence with his wife and with Joseph Parkes, frequent reference to his books. In his last illness at Cowes his demand for books was so constant that it was difficult to keep him supplied.[3] But they are not named and one cannot

[1] Reid, ii. 373–4.

[2] *Recollections*, v. 291.

[3] Lady Durham's MSS. Journal of the year 1840, kindly placed at my disposal by the third Earl of Durham.

tell what he read. Two guesses may be ventured—that he was not interested in the classics and that most of his reading was political in character. That he read a considerable amount of history—particularly constitutional history—is more than a guess. He was particularly fond of introducing long historical arguments into his parliamentary speeches. They were in most cases altogether too long.

Among the stray notes which he left behind are some sentences from Burke. One suspects that his debt to Burke was large. His reverence for the constitution was expressed in and out of season. The passing of the Reform Bill was not for Durham a change in the constitution,—as it would have been for Burke. Nor were electoral reforms such as the ballot. For Durham the constitution was a set of ancient institutions, —the monarchy, the House of Commons, the House of Lords, he Established Church, and some others. These he was willing to defend against all comers. But in its operation each must be changed to conform with a changing world. Consequently he was opposed to republicanism, the abolition of the House of Lords, and the disestablishment of the Church of England, all of which he believed the Radicals desired; but he was willing to make every effort to secure a further reduction of royal power, the reform of the House of Commons to the extent of household suffrage, the ballot, the curbing of the Lords in the interests of the nation, and full liberty to Catholics and Dissenters. Some of these were Whig policies, but in the more important of them few Whigs were willing to follow him. Like Burke, he had nothing but contempt for the doctrine of abstract rights, which was the Radical doctrine in the years of his youth and early manhood. But with all allowance for the fact that he belonged to the next generation, he discerned the signs of the times much more clearly than Burke and consequently we have practical policies of extreme liberalism. It must be remembered, too, that if he was not a Radical in abstract doctrine, he frequently was in method. He constantly made proposals that he knew were sure to be beaten, made protests that he knew would have no immediate effect, pressed the reforms, the need of which he so clearly saw, to the point of consciously arousing the antagonism of colleagues. This was partly due

to sheer force of temperament, but to a large extent it was also due to a confidence that this was the wisest method for the conquest of the future. Consequently he could not be a successful party leader, but he died in an assured confidence that the future would 'do justice' to his memory.

There is no direct evidence, but may we not surmise that he also owed some of his liberal imperialism to Burke? He had, of course, none of Burke's philosophic profundity. He proved himself a master of political analysis and apt phrasing that carried the day in three of Britain's most serious crises, but that was something very different from political philosophy. He was not a philosopher at all. He was always too busy for that, even if his education had fitted him for it. He was not directly influenced to any extent by Bentham, although in the period after 1832 several of his friends were Benthamites.

Large as was the place which his love of home and family, his feelings as a husband and father, occupied in his life, it can have little space here because his feelings and experiences were those of so many men. All his emotions were strong, and when he lost his children, as he did four of the eight, his grief was the more devastating to his weak body and sensitive nervous system. For the rest, these traits simply make him more human to us. Every new experience of the children is a revelation and a joy, all the little domestic cares have the tremendous significance of the moment, he must get an individual message from each of the children, including the two-year-old, even to him the bills are high at times, the treats for the children are planned with the most enthusiastic care, and there is a pleasant monotony about the closing of letters to Lady Durham with 'thousands and thousands of loves', 'millions of loves and kisses' to the children, and in later years especially to George, who was the youngest and was a baby for a long time.

He took a great interest in Lambton Castle, the building of which was begun by his father and completed by himself. Bononi, the Italian architect, was brought to England especially for this work. Lord Durham's letters to Lady Durham contain constant references to the progress of the work, the magnificence of the terrace, the beauty of the gardens.

With this love of his family is closely associated that pride which was so apparent and has been considered strangely inconsistent with his democratic ideas. There was no inconsistency. His democracy was political. It had to do with privileges and responsibilities connected with government. It had nothing whatever to do with ideas of social levelling, with which he had no sympathy. He was proud of the position which his family occupied in English society. He took pains to make people conscious of that fact. Much of his wealth was expended on the maintenance of a sumptuous establishment. If he overheard some of the good-humoured comments of his friends as he certainly heard and read the pungent attacks of his enemies on the number of his footmen and his horses and his outriders, he bore it with stoic indifference because he felt nothing but scorn for men who did not maintain their position. It was not so much a right as a sacred duty, and doing his duty in all matters was the only thing he ever boasted about. He was ambitious that that position should not only be maintained, but improved. For that reason he sought honours all his life. He sought them, we may say, openly. He was as free from all reluctance in this respect, as he was free from all mock modesty.

If his pride was colossal, he had little vanity in regard to his abilities. The evidence of Hobhouse and Brougham, given quite independently, is strikingly similar. Few men knew him better, and certainly the latter, writing after their bitter conflict, was not prejudiced in his favour. Hobhouse said of him, 'He did not attach so much value to his character, or opinions, as to give himself a sufficient amount of self-confidence in matters of importance'. Brougham said: 'He was very modest respecting his own merits, and favourable towards those of others, with even an enthusiasm that was exceedingly touching and amiable. Instead of pluming himself on his talents, he really was chiefly fond of exalting his wealth and family.' [1] There is plenty of confirmation for these statements. His words of self-depreciation in introducing his great Reform speech in 1821 are so excessive that in almost any one else they would be taken for mock modesty. His letters to Lord Grey contain frequent statements of

[1] *Recollections*, v. 291; Brougham, *Memoirs*, iii. 335.

regret that his abilities were not greater and that they were inadequate to the tasks thrust upon him—strange statements in view of the fact that Grey and practically every statesman of the period considered his abilities to be of the highest order, marred only, in their minds, by faults of temperament and radical opinions.

Lord Durham's temper and pride were the grounds on which he was always attacked by his political opponents, who grossly exaggerated both by the circulation of stories that were really caricatures. In those days, to an extent which does not exist to-day, the personal characters of opposing politicians were the objects of drastic attacks. In Durham's case there was nothing else to fasten upon but his temper and his pride, and the best—or worst—had to be made of both. No breath of scandal could be stirred against him, his integrity was as unquestionable as his courage, he was the soul of honour, his passionate idealism was too sincere to be sneered at, there were no evasions about anything he said or did, he was as open as the day.

His interest in art was probably associated with his love of magnificence as well as a feeling for natural beauty. In 1824 he championed in Parliament Haydon's scheme for government purchase of great historical paintings. He was also interested in the advancement of popular education, and supported Brougham's 'march of the mind'. His interest in the University of London, the Mechanics' Institute, and the education of his own working people will be referred to later.

Even in society Lambton enjoyed nothing so much as the discussion of politics. He took pleasure in brilliant conversation on any subject, and he was fond of a good play, but music, dancing, and cards were a terrible 'bore' (the word he himself applied to these diversions), and he avoided them whenever his ingenuity could find a way. He may not have 'hated music' on all occasions, but he certainly did in some moods and he took little interest in it. He surmised that a famous singer whom he was obliged to hear at Constantinople must have been good because there was a great deal of applause. On one occasion at Stapleton Park he succeeded in staying home from a ball only to find that there were four who had not gone and that he was in for a table of whist.

Lady Petrie 'would otherwise have been reduced to a dummy. And poor woman she is so good natured that I could not resist boring myself for her and I did it most effectually. However, at last, night went off and to-day I *went to the Races*'. On another occasion, at the Duke of Sussex's, 'I was forced to play at whist . . . only lost two guineas . . . a great feat . . . as in general I lose every game'.[1]

When a play was being produced at Howick by some of the guests, Lambton wrote to his wife:

> 'An unexpected misfortune respecting the play has occurred. Lord A. Hill who was to have acted one of the chief parts is obliged to go to Ireland. . . . I could not resist helping them and have agreed to take part in their play rather than it should fail for want of actors. . . . It annoys me extremely—as I hate any exhibition of the sort—but all their scenes were painted and up, the dresses on the way from Edinburgh. So I determined to do a good-natured thing, even at the expense of my own feelings.'

The letter closes with a prayer, 'Pity me, for I never acted in my life'.[2]

At times there was a certain aloofness in his manner, but in his good-natured moods, and there is every reason to believe that they were the prevailing ones, he undoubtedly exerted great personal charm. This was remarked on by all his friends. Those who were not friendly rarely got the chance to see it, because he was exceedingly sensitive to any antipathy. Lady Durham, who of course saw the best side, said that 'when well and in good spirits' he was 'always eager to promote gaiety and amusement and contributed more than any one to any fun that was going on'.

He loved the out-of-doors. Occasional letters to his wife contained long descriptions of natural scenery written with appreciation and keen enjoyment. He was fond of riding, hunting, and shooting.

But his great form of recreation was racing. Into it he threw himself with all the ardour of his temperament. His racing career began in 1816, and the first four years were bad ones. Writing to Lord Grey in 1818 he said, 'I fairly own

[1] Lambton MSS., Durham to Lady Durham, n.d.; Howick MSS., Lambton to Grey, Nov. 21, 1820.

[2] Lambton MSS., n.d.

I had not the courage to enter on the subject of my turf misfortunes; they were so many and so severe that I preferred letting the lists speak for themselves to dying so many deaths'.[1] On one horse, Leopold, showing some real form, his brother Henry wrote him, 'I think your luck has changed'. But Leopold went lame and the luck did not change until 1820, and then it changed with a vengeance. At the Doncaster meeting of that year he won three races, was placed in several others, and Dunsinane proved to be a most promising two-year old. In the next year, 1821, he won six races in the four days of the Doncaster meeting—Consul, Borodino, and Dunsinane winning two each—and was far and away the most successful owner. The next three years were very fair, and in 1825 he was the biggest winner at both York and Doncaster (Buzzard, a four-year old, won four races at these two meetings and showed an unbeaten record for the year). In June of that year he purchased Cedric, the Derby winner of the previous year, from Sir John Shelley for twenty-five hundred pounds (a 'top' price in those days). Cedric as a two-year old and three-year old had had the most remarkable career of the period. He had run an exceptional number of races and had never been beaten. But he ran only once for Lambton and was unplaced. The race was beyond his distance; but a few weeks later the trainer reported that Cedric's racing career was over. In 1826 Lambton sold his stable and retired from the turf.[2] He continued, however, to be a 'patron of the turf' throughout the rest of his life in England, Russia, and Canada.

Few owners in the North of England were more successful during these ten years. His successes were limited, however, to the North. Here, as in so many respects, the North and the South treated him very differently. *The Times*, referring to the poor showing of the southern horses in the St. Leger of 1825, made the following comment:

> 'The winning of this race by a Yorkshire horse and a Yorkshire jockey gives additional strength to the often expressed opinion

[1] Howick MSS., Lambton to Grey, Oct. 3, 1818.

[2] The facts given in this paragraph are gleaned from *Sporting Intelligence* in contemporary newspapers. I have not been able to draw any definite conclusion in regard to the reason for the retirement.

that a South country horse or rider cannot win in the North, and vice versa. Mr. Lambton has run several of his racers at the Newmarket meetings, where they have been uniformly unsuccessful, and little Tony Lye, one of the best and most fortunate jockies of the North, could add nothing to his reputation in the South.' [1]

An interesting feature of his racing career was the race meeting which he held annually at Lambton from 1821 to 1825. The course was situated about two miles and a half from the castle, near the gates of the park. At first he simply invited a number of racing friends to a big house-party and their horses raced against one another, but later he threw the races open to the neighbouring gentry. It was always a great occasion of merriment and entertainment at Lambton Castle, and of the men who appear in these pages, Brougham, Hobhouse, Ellice, and Tommy Duncombe were frequently there 'for the races'. Hobhouse hated racing, but that did not keep him away.

[1] *Times*, Sept. 24, 1825.

VI

THE DUEL. THE SWING TO CANNING. WAITING FOR THE DAWN

During the session of 1822 Lambton spoke vigorously in defence of Wilson—although, as he told Lord Grey, 'he was fitter for bed than the House of Commons', and presented a petition for the release of 'Orator' Hunt from jail, 'a man with whose principles and politics he had nothing to do and whom he only recognized as a man suffering from injustice'. He also opposed the modification of the Navigation Laws. He declared that he was in favour of free trade, but so long as the Corn Laws were continued for the protection of the agricultural interests, the laws protecting the shipping interests should be retained also.

Liverpool was still Prime Minister, but from the death of Castlereagh in 1822 English politics centred about Canning, as they had previously centred about Castlereagh. Canning, Peel, and Huskisson carried a series of liberal measures, a Canning group was built up within the Tory party, while the old-line leaders sat back and glowered. If Canning's worst enemies were in his own party, some of his best friends, politically, were on the other side of the house, and among them were Brougham and Lambton. It seems strange at first sight that Lambton should support such a decided opponent of Parliamentary Reform, but the break-up of the Tory party was necessary to the success of that movement and Lambton saw that the one sure way to hasten that was to back Canning. He was intensely interested in foreign relations, and Canning's policy aroused his enthusiasm. There were many elements in Canning's personality that appealed to him strongly. And for the rest, he had eyes to see across party to the fact that Canning was more liberal even in his domestic policies than half the Whigs. At the same time he saw his faults clearly enough. In a letter to Grey he said, 'Canning never does anything in a straightforward way. . . . How his colleagues must despise him when he is probably assuring them that he is not in the least committing them to the very principles for the adoption of which he is lauded to the skies'.[1]

[1] Howick MSS.

During these years Lambton was supporting Brougham's efforts for popular education. One of the most remarkable agencies in this direction was the Mechanics' Institute, with its libraries, reading-rooms, popular lectures throughout the country. An interesting and hitherto unpublished letter of Francis Place describes his attempts to secure subscriptions for what he called 'the most useful society on the face of the earth': 'When this was first started and before aristocracy had time to be alarmed, I could have obtained money from a great number of them. When it had been a short time in existence, I could obtain none. I issued two hundred circulars signed by my hand, and more than a hundred letters, and all I obtained in this way was about £100.' [1] Lambton received one of these letters and subscribed fifty pounds, just half of the amount secured from all of them.[2] He was also one of the earliest subscribers to London University (University College, London, which was later federated with King's College into London University), established to secure university education for those to whom Oxford and Cambridge were impossible, and especially for Dissenters.

At the same time he had his eyes on the ends of the earth. In the year 1825 a company was organized, with Lambton as chairman, which made the first attempt to establish a British colony in New Zealand. A number of settlers were sent out in two vessels, the *Lambton* and the *Isabella*, and lands were purchased at the mouth of the Thames and at Hokianga. The conflicting evidence of those concerned in the venture makes it difficult to determine whether or not the Government undertook to give any protection to the enterprise, but it is clear that it was because such protection was not forthcoming that it failed. 'In consequence of the numbers and threatening demonstrations of the aborigines', the commander of the expedition feared to effect a permanent settlement without the protection of a military force and removed the settlers to New South Wales.[3]

In 1825 Lambton gave a marked demonstration of his

[1] B.M. Add. MSS. 35148, f. 9, Place to Hobhouse, Dec. 23, 1827.
[2] B.M. Add. MSS. 27823, f. 360.
[3] Lambton MSS., Memorial of Colonization of New Zealand.

independence, by refusing to vote for a bill for Catholic Emancipation because it was associated with a measure for the disfranchisement of the Irish forty-shilling freeholders, most of whom were Roman Catholics. He had given some time to a study of the Irish question, and felt that the disfranchisement of the rank and file of the Catholic peasantry would do more harm than the admission of Catholic members would do good, and that it was better to defer the latter reform rather than put it through under such conditions. Hobhouse and Brougham remonstrated with him on the floor of the House. He replied that 'he was not to be browbeaten into another course; and so help him God! he would pursue the same course, even though with the loss of the dearest friendship he enjoyed in the world.' Brougham stated that he had not the slightest intention of browbeating. The measure passed the Commons, but was defeated in the Lords.

Lambton wrote to his brother, Hedworth, December 27, 1825: 'I have been so very ill since I received your letter that I have never left my dressing-room for a fortnight—the severest attack in my head I ever had in my life.' In January he was diverted in the midst of his pain by reading an account of his death in the *Courier*. On the 16th of the following March he was still enduring 'a period of powerful and long-protracted suffering'.[1] Two months and a half later he was fighting an election campaign for his brother-in-law, Lord Howick.

This Northumberland election of 1826 was electrified by personal antipathies, and Lambton plunged into it, practically from his sick bed, on account of his affection for Lord Grey. A few years before there had been a bitter personal quarrel between Lord Grey and T. W. Beaumont, Whig member for Northumberland, and Lambton considered that Lord Grey had been very unfairly treated.

As the general election of 1826 approached, Lord Grey decided to run his son, Lord Howick, in his own county of Northumberland. He had every reason to believe, on account of a declaration of Beaumont, that the latter would not be a candidate. But Beaumont's pride was stirred. He

[1] Lambton MSS.

determined to hold his seat and launched a bitter attack on the Whig leaders. The two other candidates, Liddell (son of Sir Thomas Liddell, recipient of Lambton's 'no need of your support' message) and Bell, had as little love for one another as Lord Howick and Beaumont, and a spirited free-for-all ensued. Lord Howick was young, and inexperienced as a speaker, and Lambton, a splendid organizer and a powerful speaker on the hustings, leapt into the fray. The supporters of Beaumont feared Lambton and, before the campaign opened, they remonstrated with Lord Grey against his taking part in it. They represented it as an intrusion that would be deeply resented and warned him that it would make the contest a very bitter one. Lord Grey was in no mood for such protests. He was pleased to have Lambton head the Howick forces and, while warning him in regard to his health, gave him every encouragement. In an election squib Lord Grey is represented as reassuring Lord Howick, 'Pshaw! Your noble brother will do all. He shall awe Beaumont into silence by the terror of his majestic frown; the very shake of the two curls which hang so gracefully upon his forehead shall render him speechless', and Lambton as responding, 'Say no more, I shall dispose of him'.

Supported by his band, and accompanied by his wife, Lambton crossed the Tyne and began the invasion of Northumberland. On the 7th of June Beaumont made a vicious attack on him, declaring that he was the real enemy. On nomination day, the 13th, they clashed again. As the campaign proceeded, personalities flew thick and fast. On the 20th, Beaumont stated that Lambton had 'unremittingly indulged in a series of personal attacks'. Lambton declared that he had never spoken against Beaumont's private character. 'All that he had done was to call upon Mr. Beaumont, who had most violently attacked the Whig gentry of Northumberland, to enable the world to judge whether those gentlemen were justified in refusing to hold any further connexion with him.' It had been asked 'whether any man would like to have all the follies of his life brought into the public view and whether he could lay his hand upon his heart and say that he would like every action of his private life to be dragged before the public. He would

answer that there was not one single action of his life, either public or private, which he wished to conceal, or into which he did not court the most rigid inquiry'.[1]

At Alnwick on the 30th, after the candidates had spoken, Beaumont accused Lambton on the hustings of having prompted Lord Howick throughout his speech. Lambton replied, 'It is not the fact', upon which Beaumont said, 'Mr. Lambton says, gentlemen, it is not the fact. I say it is false.' Lambton then stepped forward to address the crowd and immediately two bands, those of Beaumont and Liddell, struck up at full blast. When at last he could get some sort of hearing, Lambton said, 'Is it your intention that I shall be heard, because I am willing to waive any intention of addressing you on a matter which I am perfectly conscious requires a very different answer from any it can receive in public, and which answer Mr. Beaumont most assuredly shall have'. He asserted that Lord Howick needed no prompting, and that he had simply been making comments to friends near him on Howick's speech. He then proceeded to discuss coolly and at length the issues of the election. His speech concluded, he left the hustings and sent his seconds to the Beaumont camp. It was arranged that the duel should take place on Alnwick Moor at the Three Mile Stone at nine o'clock that evening. The magistrates, however, learned of the proposed meeting and prevented it, but failed to apprehend the principals, who managed to hide themselves in Alnwick. The first attempt baffled, arrangements were made to meet in the same place at four o'clock in the morning. The magistrates, however, had posted scouts on every road, and before they reached the rendezvous the duellists discovered that the authorities were again in a position to prevent the meeting. They then agreed to meet at noon the next day at Belford in Durham County, and their carriages immediately struck off at a gallop across country in opposite directions. In the meantime Lord Grey, in distress of mind, was riding hard through the night from Howick without the company of a single groom. He arrived at Alnwick at three o'clock, then rode out to the moor only to find that the belligerents had fled. He returned, found Lady Louisa at the

[1] *Times*, June 17, 23, 26, 1826; *Newcastle Chronicle*, June 17.

inn (she had witnessed the scene at the hustings from a window near by) and took her in a carriage to Howick.

All night long the streets of Alnwick were thronged with people, and throughout the next day in all the towns of the north country the crowds stood out in the rain, and every passing traveller was stopped in the hope that he might have news. Just as night was falling, word reached Alnwick that Lambton and Beaumont had met at Belford and had proceeded to Bamborough Sands where at four o'clock in the afternoon they exchanged shots without effect. Later in the evening Beaumont arrived in Alnwick, where, in response to the crowd, he made a brief speech to the effect that such matters were always unpleasant and the least said about them the better.[1]

Lambton drove immediately to Howick and his anxious family. We can appreciate Mr. Trevelyan's statement in his life of Lord Grey that '"Radical Jack" went back to Durham thrice a hero of ballad, and the ties were drawn closer than ever between him and the household at Howick, out of zeal for whose cause he had risked his life'. Earlier in the quarrel between Lord Grey and Beaumont, Lady Grey had written to Lambton: 'I cannot help writing one line to you to thank you with my whole heart for the excessive kindness you have shown to us in this distressing business. But no expression can do justice to what I feel.'[2]

As for the election, Howick and Beaumont were both beaten. Beaumont's election expenses amounted to eighty thousand pounds.[3] He had a hundred election agents and 'open houses all over the country'. Lord Grey paid out individually seventeen thousand pounds.[4] What it cost Howick and Lambton does not appear.

Lambton himself was returned by acclamation for Durham County. In his speech on nomination day he pointed out that the political situation had greatly changed since the last election, and stated that if he had been in attendance at

[1] *Newcastle Chronicle*, July 8; *Times*, July 2, 4. For Lambton's own account see Brougham, *Memoirs*, iii. 339, Lambton to Brougham, July 2, '1820' (a mistake for 1826). [2] Lambton MSS., n.d.

[3] Well over a million dollars in our values. Trevelyan, p. 199 n. *Times*, July 10, 1826. [4] *Times*, July 10, 1826; Lambton MSS.

Parliament on several recent occasions when his health prevented him, he would have supported the Government.

> 'He regretted that those with whom he acted had not the pleasure of carrying into effect those principles which they had always advocated; but, because he regretted they had not the opportunity, was he to offer a vexatious opposition to those who had recognized those principles, and shown a proper, though perhaps tardy disposition to attend to the wishes and feelings of the people of England? An individual of the very highest talents and character had entered into the councils of this country, an individual who knew very well that he was not supported by the Tory aristocracy,—Mr. Canning, who was aware that the nobility he had to depend upon was the nobility of the mind; and the co-operation and aid of the people, and not of the High Church and Tory party. Therefore it was that we saw these changes in the politics of the country.... He trusted that they would pursue this great course of improvement and amendment, that they would not stop halfway, that the reformation of the Criminal Code which Mr. Peel had begun would be carried still further, [he hoped that they would go on to the most desirable reform of all], a great and important extension of the elective franchise. [He urged the claims of the Dissenters and Roman Catholics.] He would never be the man to keep millions of our fellow countrymen in slavery and degradation, because they conscientiously refused to take oaths which would degrade them in the eyes of the world, and firmly adhered to the faith of their ancestors.'[1]

Following the duel came another breakdown, and it was considered necessary for him to spend the winter in Italy. But in Italy his mind was constantly on English politics. In February (1827) Canning was very ill, and 'some of his colleagues had been congratulating themselves on the probable event'.[2] They were doomed to disappointment. Lord Liverpool suffered the apoplectic stroke which caused his retirement and the King selected Canning as his successor. Immediately seven of the Tory ministers, including Wellington, Eldon, and Peel, refused to serve under him. With a host of Tories going into opposition Canning turned to the Whigs for parliamentary support, and approached Lord

[1] *Newcastle Chronicle*, June 17; *Times*, June 22, 1826.
[2] *Recollections*, iii. 168.

Lansdowne with the suggestion of a 'junction' ministry. Lansdowne and three other Whigs became ministers, the rest of the Cabinet being composed of 'Canningites', Canning's supporters in the Tory ranks. Lambton, in Italy, enthusiastically expressed his adherence to the new Government. Brougham's position was 'anything to lock the door on Eldon and Co.' They were influenced by a confident feeling that they were driving a permanent wedge into the Tory party. This foresight was justified in 1832 when the Canningites, broken off from the Tories, joined with the Whigs to pass the Great Reform Bill. Lord Grey, on the other hand, was bitterly opposed to the new government on account of his deep-rooted antipathy to and distrust of Canning, and the unsatisfactory character of the coalition arrangements.

Lambton travelled from Italy to attend the last part of the session of Parliament, arriving in London on the 1st of June.

He wrote Lady Durham:

> [June 18] 'You must know that I differ completely with Ld. G. as to the line he has taken—this he was aware of immediately after my arrival as I had a long interview with him, but I have the pleasure to know from a letter he wrote to Ellice, that he feels very strongly "my kindness to him", and we are on the best personal terms—indeed I make a point of going there almost every day. I told him how strongly I felt the necessity of supporting the present government—and that if my doing so would put me in personal hostility against him or alter our intercourse in private, I would sooner resign my seat in Parliament, but this he would not hear of.'
>
> [June 21] 'Ld. G. still remains highly inflamed against the Govt. He thinks, I see, evidently that he ought to have been applied to instead of Ld. Lansdowne. Lord Lauderdale & others were at work day & night, poisoning his mind, & irritating him to such a degree, that I almost despair of ever getting him conciliated. However I shall try.'

'Bear' Ellice, in a letter written July 11, informed Lambton of several things that the latter was unaware of, having been in Italy at the time of the 'arrangements'. Ellice always plumed himself on knowing more about anything of this sort than any one else, but he had an uncanny knack of picking

up information, and his story, not inherently improbable, is deserving of consideration.

> '*I beg you to understand*, I am no Malignant, or ill-wisher to the Government. . . . But it is precisely because I am a well-wisher of a liberal order of things that I deplore and lament the excessive folly, which led to what was called the political arrangement between Mr. Canning and Ld. Lansdowne, and the *indirect* proceedings towards *Ld. Grey*. If *his* advice had been followed, the Whigs *must* have been admitted to office on equal terms with Mr. Canning. . . . Canning and the King had made up their mind . . . as to his exclusion from any arrangement. *His friends* (as they call themselves) fully aware of this, and anxious for any excuse to throw him overboard, instead of openly stating the fact (which they must have known) to him, and which, if so communicated, would have had no influence in deciding his opinion, or support of any creditable arrangement, resorted to every indirect expedient, of inattention, neglect and studied distance of manner in their communications with him, to provoke what they desired, a disclaimer on *his* part of any participation in the negotiation.'[1]

Mistaken Grey may have been, but there is a lonely grandeur about the veteran leader as he writes to his son: 'I am left nearly alone, being separated from almost all my old friends, including Lambton. But do not believe any reports you may hear of my having formed any new connexions. I stand aloof from all parties, acting upon my own principles.'[2] Lord Grey's correspondence with his old friend Lord Holland was broken off in April, that with Brougham in December. Ellice was right in saying that he would not forget.[3] Patient as he proved himself under Lambton's outbursts, he was not the man who could easily forgive studied neglect and unfairness. As Mr. Trevelyan says, 'his friendship for Brougham never recovered',[4] and the same is true of his confidence in Lansdowne and a number of the others. He realized, on the other hand, that Lambton, being on the Continent, had had nothing to do with the 'arrangements', and that his efforts to win his support had been open and sincere. He treasured up the fact that bluff Jack Althorp had not bowed the knee

[1] Lambton MSS. [2] Trevelyan, p. 205.
[3] Lambton MSS., Ellice to Lambton, Dec. 3, 1827.
[4] Trevelyan, p. 207.

to Baal. And so it happened that when the days of the Reform Bill struggle came, those closest to Lord Grey were Lambton, Althorp, and Ellice. That was most fortunate, for they were more liberal and more courageous than the others.

In the meantime the Opposition was anxious to win Lambton back. Tierney, the former leader of the Opposition in the Commons, had joined the Government forces and Lambton was offered the leadership, Robert Peel being willing to step aside for him. Those who made the offer assured Lambton that their measures would be just as liberal as those of Canning. Lambton replied that if that was the case it came down to a choice of men and he preferred Canning.[1]

Canning died in August, the administration of the weak Goderich did not survive long enough to meet Parliament, and the King placed the Iron Duke in the saddle. The Tory party, though badly broken, assumed for a time a united front, and the Whigs went straggling back to their own camp. Lambton wrote to Grey, 'My great consolation in a Tory Government is that I shall find myself by your side'.

In January 1828 Lambton was raised to the peerage as Baron Durham. He had selected the name D'Arcy, but finding that an objection was raised by the Duke of Leeds, he chose that of the county which his family had so long represented in Parliament. He had pressed his claims to an earldom on Lansdowne and Brougham. The latter was very high and mighty, as friends are apt to be on such occasions. So was Lambton with a magnificence that was all his own. Among other things he told Brougham that 'the situation of the first commoner is more marked and honourable than that of the last baron'.[2] He informed Lord Grey that he did not consider the peerage 'a favour received from the administration'. 'I consider it as a matter of right which had been long withheld from my family, and which my consenting to receive was more a favour conferred on them than one granted to myself.' His grandfather had refused a peerage.[3]

[1] *Recollections*, iii. 208.
[2] Brougham, *Memoirs*, iii. 336; Lambton to Brougham, Dec. 7, 1827.
[3] Howick MSS., Jan. 1, 1828.

The Duke of Wellington's task was fraught with the greatest difficulties, and he faced it with the courage that men always expected of him, and in which they were never disappointed. His worst mistakes were due to his constant habit of looking at things from the view-point of a soldier. Success in politics does not come easily to one accustomed to the discipline of an army, nor does the political game lend itself readily to the tactics of the battlefield. He was a thorough-going Tory, yet he put the welfare of his country before that of his party. He had a profound distrust of all popular movements. Politics for him was a stern duty ennobled by patriotic feeling.

The Wellington administration was not many months old when Huskisson, who had become leader of the Canningite group, having voted against the Government on the East Retford question, wrote one of those letters of resignation which are not intended to be taken seriously. Wellington accepted the resignation. The other Canningites then resigned from the Cabinet.

Having split off the left wing of the party in that way, he proceeded to split off the right wing by passing Catholic Emancipation, which lost him the support of the Ultra-Tories [1] and brought down on his head a flood of vituperation from the bigots.

We cannot speak of these malcontents joining the Opposition, for there was no Opposition to join. There were simply a number of groups maintaining an independent existence,—Canningites, several groups of Whigs, Radicals, and now Ultra-Tories. Until November 1830 they failed to come together. Group politics always engenders intrigue, but at this time the groups themselves lacked cohesion and the intrigue took on a peculiarly individual character. All sorts of rumours were abroad about Lord This and Mr. That joining the Government, and many of the Whigs followed an alternating policy of support, opposition, and neutrality, which had neither rhyme nor reason.

The most persistent of the rumours was that of a union between Wellington and Grey and, as might be expected,

[1] Lord Durham wrote to Lord Grey: 'They say Eldon is in such a rage that he is denied even to his own son' (Howick MSS., Feb. 4, 1829).

Durham's name was associated with this. But in only one of his letters to Lord Grey did Durham show any sympathy with this suggestion. In all of his other statements he was the advocate of a more ardent opposition to what he described as 'this most imbecile administration'. 'If any skirmishing takes place, I shall find my way to the advanced positions. I am sick of all this temporizing.'

Lord Ellenborough's diary shows that throughout 1829 and 1830 the Ministers regarded Lord Durham as one of the most active of the Opposition.

In the spring of 1830 the Opposition was strengthened by the selection of Lord Althorp as leader in the House of Commons. Althorp's leadership—popular, trusted, resolute—was of almost incalculable value from this time until the end of the struggle for the Reform Bill two years later. Although a poor speaker he was the man for such a crisis. As Mr. Trevelyan has written in an admirable sketch of Althorp:

> 'It was among his farmers and his turnips, . . . that he would have greatly preferred to serve his country, if God had let him. He read the Bible constantly, in simple-hearted search to find his duty and the strength to do it. His mind worked so slowly that the constant demands of political leadership for rapid decisions put upon him a strain almost physically painful, and his conscientiousness added the tortures of responsibility keenly felt. Yet cleverer men admitted that he excelled them all in coming to the right practical conclusion at last.'[1]

George IV died on June 26. Those who desire to appreciate to the full the contrast between the respect which the King enjoys to-day and the feeling of a hundred years ago should read the articles of heartless castigation and almost unrelieved antipathy which appeared in *The Times*, the *Examiner*, and many of the leading journals. This is not simply a difference in attitude toward a good man and a bad one. The newspaper man to-day who would dare—even if he felt disposed—to show for the King a tithe of the disrespect which was commonly expressed toward all the predecessors of Edward VII (Queen Victoria was only a partial exception) would be shown short shrift by the most patient

[1] Trevelyan, pp. 213–15.

of all publics. The depth of real respect for monarchy which prevails in every part of the British Empire to-day is the unique possession of this generation and the preceding one. The reading of these articles on George IV produces a feeling of suspension between revulsion and awe, and reminds one of the crowd cheering at the funeral of Castlereagh.

It was fortunate that William IV was cast by destiny to be the King under whom modern England should experience her most serious political revolution. Even his strolls in the Strand, his bluff, unkingly, familiar manners, and his mania for making speeches on every conceivable occasion—the less he understood of the subject the better he enjoyed it—which kept his ministers on pins and needles, pleased the people for a season, when it was very desirable that they should be pleased; they helped to spread the myth that he was a liberal king, and he learned the dignities of his office before familiarity bred contempt. He was not the ideal 'constitutional monarch' of later days, but he fitted that time extremely well. His political education had been sadly deficient, and he understood social forces as little as had Louis XVI. But he possessed a blunt common sense, a desire to do the right thing, and an essential squareness of character. The myth that he had Whig, if not liberal sympathies when he came to the throne, has died hard, but the sources open to us to-day show him as staunch a Tory as most of that party. A liberal king, however, might have tempted the Whigs to the destruction of themselves and their cause. As that age saw things, he played fair with his Whig ministers. In the critical first two years of his reign he held the balance, and the determination of the people and the statesmanship of Grey, Durham, Russell, and Althorp achieved the great revolution.

While these roles were being assumed, the great drama was unfolding. In the years between Lambton's pioneer drive in 1821 and 1830 a steady development had been taking place in the movement for Parliamentary Reform. The middle class had been gradually converted. While it was easier for the members of that class to adapt their minds to the necessity of fundamental political change, even the upper class could not be so impervious in this respect as it had been in

1821. Strange changes had been seen in the intervening years—tariff changes, modification of the Navigation Laws, radical alterations in the Criminal Law, repeal of the Test and Corporation Acts, and Catholic Emancipation. The comfortable 'old Toryism' was gone for good. Men whose eyes had seen these wonders were becoming inured to change and were being prepared for the greatest change of all. After this gradual growth of sentiment in favour of Parliamentary Reform there came a sudden and tremendous accession of strength in the years 1829 and 1830. In 1829 there was a special stimulus in the form of an economic depression. The agricultural labourers expressed their discontent in local insurrections, rick-burning, and machine-breaking riots. Among the working class in the cities strikes broke out; in December 1829 a whole industry, cotton-spinning, was organized into one union, and in February 1830 Doherty organized his 'National Association for the Protection of Labour' embracing the whole country in 'one big union'.

At the same time organizations were being formed to agitate for Parliamentary Reform. The success of the revolution of 1830–2 was largely due to organization, and while the organizers owed something, no doubt, to the trade unions, the great lesson was learned from Daniel O'Connell. He had thoroughly organized Ireland into his 'Catholic Association', and early in 1829 had forced the hero of Waterloo to the first surrender of his life. The question was asked,—could not Parliamentary Reform be won in the same way as Catholic Emancipation? In the summer of 1829 societies were formed in various parts of the country modelled on O'Connell's 'Association' with the 'rent' and other features of its organization. These societies were the precursors of the Political Unions. One of the men who caught the O'Connell idea was Col. Leslie Grove Jones, who in 1831 was to serve as the principal agent of communication between Lord Durham and the Radical leaders.[1] What was still needed was the bringing of both middle and lower classes together in a common organization! Thomas Attwood succeeded in doing that for Birmingham in January 1830. Attwood, a wealthy

[1] See Halévy, *History of the English People in the Nineteenth Century*, ii. 278.

banker, highly respected by the middle class and deeply interested in and appreciated by the working men, was admirably adapted to the work in hand. He possessed a fertile imagination, sound common sense, and remarkable organizing ability. His dropping his 'h's' and talking of his 'opes' and 'unappy omes' caused merriment among his fellow parliamentarians in later years, but did not affect his popularity. He fell short of being a great leader—the shrewd Joseph Parkes noted his lack of foresight, physical courage, and knowledge, but he brought into existence a remarkable instrument of influence and communication and he controlled it.

At a great meeting on January 25 (1830), with Attwood in the chair, the Birmingham Political Union was formed, 'a general political union between the lower and middle classes of the people, to obtain by every just and legal means such a reform in the Commons House of Parliament as may ensure a real and effectual representation of the lower and middle classes of the people in that House'. Similar organizations were formed in other cities, in communication with the mother union, and the people at last secured the means of bringing effective pressure to bear on Parliament.

Immediately after the prorogation of Parliament there came another great stimulus to the movement for Reform—the July Revolution in France. What most impressed Englishmen was the quickness and ease with which it was effected, the absence of the horrors which followed 1789, and the apparent stability of the new order which ensued. A broadening of the basis of government had been achieved in safety. Yet it had been achieved by force because of the obstinacy of Charles X. What Frenchmen had done, Englishmen could do, and from those three days of July in 1830 until the 'Days of May' in 1832, armed rebellion was in the minds of many Englishmen. Flashed from the columns of the newspapers and excitedly discussed in cottage and ducal mansion, the Revolution of July was at once a stimulus and a warning. Working men gloried in the street-fighting of their brothers across the Channel. Men of the middle class envied the French *bourgeoisie* in their enjoyment of political power.

Lord Durham was a Francophile and a keen student of

French politics. We may surmise that his ardent nature responded enthusiastically to a development so much in accordance with his desires for France and England alike. With his sharp insight, his most distinguishing political gift, he probably discerned much of its bearing on the English situation. The changes in France sprang out of the Industrial Revolution, were the necessary results of a constantly changing social order, gave due recognition to the middle class, broadened the basis of government, proved that the people could be trusted, yet preserved the monarchy and the established social institutions. No member of the English 'ruling class' was as capable of appreciating these things as Lord Durham.

While news of revolution was breaking on a troubled England, the elections made necessary by the death of the King were in full swing. The Whigs made substantial gains in the 'open' constituencies, but found themselves still in a minority. The prices of seats were higher than ever before.[1]

The feature of the elections was Brougham's success in Yorkshire. Brougham was anything but the typical county candidate. He did not own an extensive estate anywhere, and had no holding at all in Yorkshire. His election expenses were paid entirely by those who had urged his candidature. His sweeping victory was a great personal triumph. During the campaign he pledged himself to Parliamentary Reform, but his opposition to slavery was stressed to a greater extent. Lambton wrote to him jubilantly:

> 'Of all the great public triumphs and rewards, certainly yours is the greatest, and I am sure you will use it for the best of purposes. Among the foremost ought to be the downfall of this odious, insulting, degrading, aide-de-campish, incapable dictatorship. At such a crisis, is this country to be left at the mercy of barrack councils and mess-rooms politics? . . . Shall you come to these or Newcastle Assizes? If so, don't forget us. . . . What glorious beings the French are!'

His next letter began, 'My Dear Yorkshire (which I trust will be the title you will take when chancellor)', and ended,—like all of his letters to Brougham during this period,—'Yours

[1] See Butler, pp. 88–90, and Annual Register, 1830.

ever, Durham'. He agrees with Brougham that they should make careful preparations for the meeting of Parliament. A few should meet immediately, with a 'general muster' later. 'For God's sake, don't let us exhibit the deplorable exhibition of olden times, when, to use Castlereagh's figure, we always "turned our backs on ourselves".' In his opinion, no efficient government could be formed without Palmerston, Grant, and Huskisson. But until Wellington was defeated, 'cordial co-operation' with the Canningites was preferable to 'any ostensible junction'.[1]

The Grey family distrusted Brougham and feared that he was intriguing with the Canningites to secure the leadership of the Opposition for himself. 'Durham did his best to act as peacemaker, and to prevent a complete breach between his father-in-law and Brougham.'[2] In one of his letters to Lord Grey he wrote:

> 'I do not believe Brougham's activity originates in a desire to make himself leader, but in extreme anxiety to overthrow the present Government. . . . I know your ladies [Lady Grey and her daughters] are no friends of Brougham's. I wish to keep everything as smooth as possible; he is an extraordinary man, difficult to manage as an ally from the wild eccentricities of his genius, and dangerous to an almost fatal degree as an enemy.'[3]

The last sentence was singularly prophetic! Durham would allow no one to abuse Grey but himself. It is equally true that up to the time of the final storm he would allow no one but himself to quarrel with Brougham, and few men were better peace-makers when the occasion demanded. His tact —when he tried—was as remarkable as his temper.

A few weeks later he had another delicate task, with the difficult Brougham again as the subject. Brougham had pledged himself in his Yorkshire election to an extensive measure of reform. Lord Grey was not prepared to accept Brougham's proposals as a cabinet measure, but at the same time he did not care to imperil the newly achieved party unity by offending Brougham. Durham was asked to smooth

[1] Both letters are given in Brougham, *Memoirs*, iii. 35–6.
[2] Trevelyan, p. 221.
[3] Howick MSS., Oct. 4, quoted in Trevelyan, p. 221 n.

matters with the latter. 'Last night I hope I accomplished it', he wrote to Lady Durham. 'He was very reasonable and all will I trust go on right. But it gave me a great deal of trouble and cost you a letter.' [1]

The day on which this letter was written, November 2, was the first day of the session, and in both houses Parliamentary Reform was immediately brought to the front. In the Lords, Grey made a careful but pronounced statement in favour of Reform. In reply, the Duke of Wellington made that famous speech in which each succeeding sentence beckoned him nearer to destruction. The state of the representation could not be improved. He was not prepared to bring forward any measure of Parliamentary Reform, and would feel it his duty to resist any such measures if proposed by others. Even his own colleagues, who had not been consulted by their commander, were not prepared for such a statement. They fumed and growled, those prepared for limited and even trifling Reform turned from Wellington in despair, and his opponents might well believe that the Lord had delivered him into their hands.

While the Duke was making his 'Here I stand' speech in the Lords, Brougham was announcing in the Commons that on November 16 he 'would bring the great question of the Reform of the House of Commons fully under consideration'. Brougham's original intention was to work out with his friends the details of a measure to be introduced on that date. Wellington's speech appears to have altered his tactics. It was now decided at a meeting of Whigs and Canningites in Althorp's rooms—probably on the following Sunday, November 7—that Brougham should not bring in a detailed measure on the 16th but should simply move 'that this House do now resolve itself into a Committee of the whole House to take into consideration the state of the representation of the people in Parliament, with a view to remedy such defects as may appear therein'. After his speech on the 2nd the Duke was bound to oppose this as surely as those who favoured any measure of reform were bound to support it. It might be carried against Wellington by the votes of the very members who would have opposed Brougham's specific

[1] Lambton MSS., Nov. 2, 1830.

measure. The fact that with the exception of the last phrase, the words of this suggested motion are identical with the motion made by Durham in 1821, when he sought for a similar declaration precedent to his Bill, suggest that, in close touch with Brougham as he was, he may have played an important part in this matter, although his old illness prevented his attendance in the Lords on the 3rd and 4th.[1]

After his declaration of November 2 the indignation of the people centred on the hero of Waterloo. As Princess Leiven told her brother, he had 'aroused fear in the middle class and exasperated the populace'. Lord Durham wrote to his wife: 'Nothing can exceed "Dick's" unpopularity. They say the doors of his carriage are always locked for fear of his being dragged out by the mob.' The King was to attend a banquet at the Guildhall on Tuesday the 9th. Wellington had received a number of letters informing him of a plot to assassinate him on that occasion. Peel received similar letters.[2] The Home Office had secured numerous reports of a proposed insurrection.[3] And finally there came a warning letter from the Lord Mayor elect. The Cabinet at first decided to take every precaution. A number of troops were moved. Wellington and Hardinge had their pistols in readiness, and Ellenborough proposed to buy pistols on Monday.[4] But, at a Cabinet meeting on Sunday, it was decided to cancel the King's visit. The Duke believed that it would lead to bloodshed, and that if fighting began no man could tell where it might end. The decision weakened the Government and brought down on its head a shower of ridicule. A 'Ballade

[1] The suggestion that the Duke's speech prompted the wording of Brougham's motion is my own, based on a comparison of the contemporary statements. Sir James Graham, who preserved it among his papers, wrote on the back of it, 'This is in Brougham's handwriting, and was the motion which it was agreed at Althorp's rooms in November, 1830, should be moved by Brougham'. The meeting in Althorp's rooms were held on Sundays. The Sunday preceding Nov. 2 was Oct. 31, and the decision described as being made 'in November' could not have been arrived at in the meeting of that day. Graham, who preserved the resolution, did not attend this meeting, but was present at that of Nov. 7 (Brougham to Graham, given in Parker, *Life and Letters of Sir James Graham*, i. 96).

[2] Ellenborough's *Diary*, ii. 417–19.

[3] See Butler, pp. 103, 104.

[4] Ellenborough's *Diary*, ii. 417–18.

of ye downfall of Kynges' appeared in the *Prompter* the next morning:

> Charles the Tenth is at Holie-Rode,
> Louis-Philippe will sone be going;
> Ferdinand wyse and Miguel good,
> Mourne o'er the dedes their people are doing;
> And ye Kynge of Great Britain, whom Godde defende,
> Dare not go out to dine with a frende.[1]

The following day Lord Durham wrote to his wife:

'Nothing can equal the confusion in which the Ministers are. They sat in Council yesterday from 3 to 9 and again from 11 to ½ past 12. The universal opinion is that they must go out. The Duke is execrated by the mob, who openly threaten to tear him to pieces, most unpopular with the monied men in the City, who see the funds going down every day and their prosperity not only diminished but in danger from a panic, and almost abandoned by his own party, who openly say (even his subalterns Ashley, Wortley, &c.) that he ought to give it up and make way for Lord Grey. All classes seem to look to him as the only person likely to save the country. . . . You never heard anything like the general apprehension of a riot, or perhaps a revolution, in case the procession had taken place.

'The language of the workmen is open and undisguised. They say if they don't get Reform they will imitate the French and Belgians. And at such a moment the Duke is insane enough to say that he never will grant any Reform! . . . The crisis may come on to-day, to-morrow, or not for weeks, but come on it must. I really at last consider the Dictator a doomed man.'[2]

The end—and the beginning—came just a week later, when the Government was defeated on the Civil List by twenty-nine votes.

'About ten o'clock arrived Henry (Lord Howick) and Wood shouting and hurraing,—"We've beat 'em"—"They're done for". . . . After learning the particulars I went to Brooks's, which I found in the greatest commotion and delight. A Mr. Cholmeley heard Holmes, the whipper in, telling Sir Charles Forbes that he had been to the Duke to announce the event—that the Duke had said "Ah—well—much obliged to you. The game 's up. The Foreign Ministers are upstairs. I may

[1] Quoted in Butler, p. 102.

[2] Lambton MSS., Nov. 8, 1830.

as well be the first to tell them". . . . Sir James Sinclair comes here at 12 and I then go with him to Lord Grey's to talk over what we are to do. [Then we pass from the national crisis to the worries of an absent-minded husband.] How stupid I was to send that letter open—pray tell me was there anything in it, which ought not to be seen.' [1]

A short note followed on the same day, the 16th, to say that the King had sent for Lord Grey, and in a letter of the 17th he referred to the arrangements being made with the Canningites, and stated that the Duke of Richmond (an anti-Wellington Tory) 'will join the new government, of which I am very glad because he is an excellent straight-forward person'. (He was straight-forward enough to give the straight-forward Durham his most decided opposition in the Cabinet.) 'The King has given Ld. G. carte blanche and placed all the household places at his disposal. The great difficu'ty I foresee will be with Brougham. He has frightened so many people (the King among the rest) by his wild speeches, that it is hard to place him in a situation which would please him and at the same time not offend others.' [2]

This Brougham difficulty was the most serious which confronted Lord Grey. A major office to Brougham, at the expense of one of the Canningites or older Whig leaders, would have caused serious trouble on account of personal feelings, but to offer him a minor office was hardly less difficult, while to exclude him from the ministry would be to leave it dependent on him from day to day for support or destruction, to leave him in charge of Reform as an independent measure and to alienate the people who would have had no confidence in a Reform administration which left Brougham out. These difficulties were solved by offering Brougham the Chancellorship, a major cabinet-office which could go only to an eminent lawyer and for which none of the other leaders were candidates. It had the further advantage of removing the superman from the Commons to the Lords, where he could never be so formidable. At first Brougham refused the offer. But Althorp told him that if he did not accept Lord Grey would tell the King at two o'clock

[1] Ibid., Lord Durham to Lady Durham, Nov. 16, 1830.
[2] Ibid., Nov. 17.

that he could not form a ministry. 'You take upon yourself the responsibility of keeping our party for another twenty-five years out of power, and the loss of the great questions which will follow, instead of their being carried.' At this Brougham asked for an hour, and at the end of it, he announced the decision which was so costly to his own career and so vital to the cause of Parliamentary Reform.

Lord Durham, Lord Privy Seal in the new Cabinet, rode with Brougham through the cheering crowds to the first meeting of the House of Lords, and introduced him to the House over which he was to preside. This was no doubt due to their intimacy. But it was peculiarly fitting that Lord Durham, one of the few peers who was confidently devoted to the cause of the people, should introduce one who was to be as little at home there as he was himself.

Six members of the Grey family connexion were among the new ministers, and Duncannon, Lady Grey's brother, was added three months later. This was the 'Grey list' which figured in the party warfare of the day. But it must be remembered that a Whig government was a new thing for that generation. It had been the custom for Whig ministries to be family compacts. The Whig leadership for a century and more had been a closely knit group of great families. As for this 'Grey list', where in our history has one family in a single generation made such signal contributions? The preparation and passing of the Reform Bill were mainly the work of Lord Grey and Lord Durham. Lord Duncannon and 'Bear' Ellice were among the half dozen others who did most for it. A few years later Durham was to make the greatest of all contributions to the self-governing Empire, and Lord Howick, as the third Earl Grey, was to prove himself one of the most enlightened of our Colonial Secretaries. For a decade the skill of Ellice and Duncannon was to provide the undergirding of the Whig party.

Of others who appear prominently in this story, Lord Melbourne was Home Secretary; Althorp, Chancellor of the Exchequer; Palmerston, Foreign Secretary; Sir James Graham, First Lord of the Admiralty; Charles Grant (later Lord Glenelg), President of the Board of Control. Among the members of the ministry outside the Cabinet were Lord John

Russell, Poulett Thomson (later Lord Sydenham), and E. G. Stanley (later Lord Derby).

Harriett Martineau, herself a keen witness, described the popular interest in this cabinet-making. 'The newspapers could not give the list of the ministry fast enough. In reading-rooms, and at the corners of streets, merchants, bankers, and tradesmen took down the names, and carried them to their families, reading them to every one they met by the way; while poor men who could not write, carried them well enough in their heads.' [1]

Of these men on whom the fate of the nation hung, there were two in particular to whom the people of England looked with an eager and confident enthusiasm—Brougham and Durham. The former was at that time the more popular of the two, although it is doubtful if that was the case in the north of England or in his own Scotland. The more discerning felt that in the latter lay the greater hope. Francis Place wrote down a few years later his impressions of these days of eager watching, when from his tailor shop in Charing Cross he maintained a constant communication with the other popular leaders throughout the country. After stating the reasons for the lack of confidence in others—Grey, Russell, the Canningites—he says:

> 'There were, however, two men among them whose notions were more extended, who from peculiar circumstances were better acquainted with the state of the people, and had more knowledge of this kind than all the rest of the cabinet taken together. These were the Lords Brougham and Durham. Brougham had long been an active reformer, as well of the law as of the Parliament, and the people; he had done more for the improvement of the people than any other man, Dr. Birkbeck alone excepted; his course had, however, been marked by many aberrations, eccentricities and absurdities; and but little reliance could have been placed in him, had he been left either wholly to himself, or to the influence of the other privy counsellors on him; but he was sure to be acted upon to a great extent by the conduct of the people and induced thereby to proceed to lengths he would not otherwise have gone. There were reasons also for believing that he had now no fear of evil consequences from a very extensive reform and a strong desire

[1] Martineau, *History of the Thirty Years' Peace*, ii. 409.

to promote such a reform was soon manifested by him. Lord Durham had always been a steady supporter of Parliamentary Reform, had never on any occasion swerved from his professions, had never once broken his word or betrayed his faith towards the people, and they who understood his character relied on him much more than on any other member of the cabinet, and with the exception of Brougham on all the rest of his colleagues taken together.'[1]

[1] B.M. Add. MSS. 27789, f. 260–1.

VII

PREPARING THE GREAT REFORM BILL

The movement which broke upon the country in the early months of 1830 resulted in the most significant revolution in English history. The basis of government was changed once for all from aristocracy to democracy. A civil war was fought under constitutional forms, and for those who have the eyes to see, the events were as dramatic and the issues as important as those of any war in the history of the nation. At the same time, civil war in a more literal and terrible sense was only narrowly averted. The drama of the Great Reform Bill was acted out against a background of marching troops, riots, fire, and smoke. When men under such conditions reshape the foundations of a state, they act with a greater solemnity than they do under the conditions of actual warfare. In the centre of those whirling months, the quietest and most important work of all was done by four men who met day after day at Lord Durham's house, 13 Cleveland Row.

Lord Grey had purposely left Durham free from exacting administrative work, because he had selected him for that greatest task, the preparation of the Reform Bill. Two or three weeks after the formation of the administration, as they were walking down the steps of the House of Lords, Grey casually remarked, 'Lambton, I wish you would take our Reform Bill in hand'.[1] He asked him to form a committee, suggesting that Lord John Russell should be a member of it, and should be consulted in the selection of the other members. So the day of opportunity came at last to these two sons of the Friends of the People who had been born the same year, had entered Parliament together, had made the first Whig motions for Parliamentary Reform, and had stood together in the forefront of the movement through all the years of adversity. After careful deliberation they selected Sir James Graham and Lord Duncannon as the other members of the committee.

Lord John Russell was persistent, clever but not brilliant, and while he had none of Durham's originality was remark-

[1] *Recollections*, iv. 178, based on a statement of Durham to Hobhouse.

ably independent. He possessed a large measure of the self-satisfaction noticeable in small men—he was so diminutive that when he married a widow, some wag dubbed him the 'Widow's Mite'—and a self-confidence worthy of Brougham. Sydney Smith said that he 'would take charge of the Channel fleet or cut for the stone'.[1] He was a thorough Liberal, but was always afraid of going too fast. He was as cool and even-tempered as Durham was high-spirited and stormy. But while they differed in many respects, the two men had qualities in common which made it extremely difficult for them to work together. They were both actuated by a high sense of duty, were courageous, straight-forward, opinionated; firmness was ascribed to both of them by their friends, and obstinacy by their critics; and they both developed a habit of threatening to resign when they did not get their own way. Their ideas of Reform were very different. If harmony was to prevail in the Reform Bill Committee much would depend on their selection of their colleagues. That selection was a remarkably happy one.

Sir James Graham had been a school-fellow of Lord John's and was in close political touch with Lord Durham. Durham had shown great kindness to him when he first entered public life, and an intimate friendship had been formed between them at that time. He was two months younger than Durham and two months older than Russell. In this year, 1830, particularly, he had shown marked ability as a speaker on financial subjects and had played a prominent and successful part in the negotiations with the Canningites. But his appointment to the Cabinet as First Lord of the Admiralty had come as a great surprise, and some used the word 'preposterous'. The appointment was due to Durham's influence.[2] He had publicly advocated bold measures of reform, but the inside history of political intrigue shows that he would have been content with something very moderate. It is probable that Durham was aware of the former fact and ignorant of the latter. Like Russell, Graham was inclined

[1] Brougham, *Memoirs*, iii. 314.

[2] Brougham, *Memoirs*, iii. 256; Greville, i. 430; Lambton MSS., Durham to Lady Durham, Nov. 17, 1830; Roebuck, i. 149. A later speech of Graham's apparently to the contrary (Parker, i. 228–9) is ambiguous and unconvincing.

to be cold. He lacked Durham's aggressiveness as well as his fire. He was a man prone to doubts and fears, but he could be bold enough when he had good company, and the courage of Durham and Althorp was of the contagious type. The ensuing story of the Reform Bill will show that when he had once put his hand to the plough with Durham, he supported him throughout in his advanced positions more staunchly than any other member of the Cabinet. He was also in constant touch with Althorp, having a short time before this formed the habit of calling on him every morning to discuss political prospects.

Lord Duncannon, the other member of the committee, was an uncle of Lady Durham, being a brother of Lady Grey. He was an Irish landlord with his heart in the welfare of the Irish peasants. His close friendship with William IV and Daniel O'Connell were both important considerations for the preparation of the Reform Bill. As a successful party whip, he could be trusted to predict the individual and collective reactions of the Whig members. This admirably supplemented Durham's contact with the middle class and knowledge of what would satisfy the popular leaders. He possessed a mass of accurate knowledge in regard to the Irish boroughs and the industry to collect all the necessary information. He was a man of remarkable tact, and was constantly selected for the most delicate tasks in the handling of men. He was eleven years older than his colleagues, all of whom were thirty-eight years of age.

What conceptions of Reform did each of these men bring to the work of the committee? In regard to those of the chairman, little need be added to what has already been said. Lord Durham's Bill of 1821 had called for a complete abolition of rotten boroughs without compensation, a uniform franchise to be extended to all householders paying rates, the enfranchisement of leaseholders and copyholders in the counties, the enforcement of residence, the registration of voters, the division of the country into equal electoral districts, an increased number of polling booths, the shortening of the period of polling, the taking of the county poll in hundreds and divisions, the safe-guarding of a life interest to those already enfranchised, and the reduction of the term of

Parliament to three years.[1] These were still Lord Durham's proposals, and with the exception of electoral districts, triennial parliaments, and the difference between a rate-paying franchise and a ten-pound-rental franchise, they are in outline the enactments of the Reform Bill. By this time Durham was an advocate of the ballot, which he succeeded in carrying through the committee to have it rejected by the Cabinet. A few months after this he wrote to Lord Grey: 'In my *own* opinion *all* householders ought to vote, whether paying ten pounds or ten shillings.'[2] But he knew well enough that such a suggestion would never be accepted by Parliament or even by the members of the Cabinet, of whom Brougham alone would support it. (But Brougham, on the other hand, wanted to save a considerable number of rotten boroughs.)

Lord John Russell's position fell far short of this. He had made more motions in Parliament than any one else, but they had all been of a very moderate nature. None of his substantive motions had gone farther than the enfranchisement of a few large cities and the transfer to such cities of the franchises of boroughs which had been convicted of gross corruption. In one of his speeches in 1820 he threw out the suggestion that one hundred of the smaller boroughs might each be deprived of one of its two members and that sixty of these members be transferred to the counties and forty to the great towns and cities. This was the farthest Russell had ever gone in the advocacy of Reform, and it fell far short of the Reform Bill. He did not press this suggestion with any vigour, and he did not revert to this degree of Reform in any of his later speeches. On May 28, 1830, seven months before the formation of the Reform Bill committee, in the last of his speeches on this subject, he had moved in amendment to a universal suffrage and triennial parliament motion of O'Connell's that boroughs with a population of less than 2,500 should send only one member to Parliament, and that compensation should be made to these boroughs in the form of annual grants. This would have meant a destruction of 66 seats as over against the 167 of the first Reform Bill. In the course of his speech he advocated the enfranchisement of

[1] See pp. 69–70 above. [2] Howick MSS., Durham to Grey, Oct. 11, 1831.

sixteen large cities, not immediately but in the course of time.[1] Russell stated later in his *Essay on the English Government and Constitution* that he desired at this time to retain a considerable number of rotten borough seats for nomination purposes. His idea of reform seems to have been the enfranchisement of a few large cities and the addition of a few seats to larger counties, equalizing the number in Parliament by taking one member each from the smaller boroughs and compensating their owners. That is all. In no recorded utterance had Lord John Russell advocated an extension of the suffrage, and everything points to the conclusion that that essential feature of the Reform Bill was carried against him by the other members of the committee. What may be called the secondary features of the Bill had never been suggested or approved by him.

Sir James Graham was a waverer. At a dinner following his election in the previous July, he had declared for 'transferring the franchise of decayed boroughs to populous towns, and throwing open the franchise of cities and boroughs to the householders rated at £10 or £20 a year'.[2] This makes him more of a reformer than Russell and is suggestive of the Reform Bill. But three months later Graham was willing to join a coalition government under Wellington if the latter would consent 'even to giving members now to the three largest towns, and hereinafter to other great towns whenever there should be such proof of corruption as should cause the disfranchisement of some borough'.[3] This was a very different sort of reform. But, looking as he did in the days of the Reform Bill committee to Althorp and Durham, he was able to maintain the more advanced sentiments expressed in July. Althorp was willing to go farther than any other member of the Cabinet except Durham, and even agreed with Durham on triennial parliaments and the ballot.[4]

Duncannon's position is unknown except that he was one of the more liberal reformers.

On the basis of their previous views it was Durham's position

[1] Hansard, 2nd Series, xxiv. 1221 seq.

[2] Parker, i. 96.

[3] *Peel Papers*, ii. 165, Arbuthnot to Peel, Nov. 1, 1830.

[4] See *Hansard*, 2nd Series, xxiv. 1230; Le Marchant, pp. 294–5; Butler, p. 180.

which prevailed in the work of the committee, and of all those who contributed to its shaping, Russell appears to have been least willing to go as far as the measure whose authorship has been so frequently ascribed to him. Events were moving rapidly in these months, and there was a strong popular pressure outside of Parliament. The inevitable result of this would be to enhance Durham's influence, for he alone was in touch with the popular leaders.

Lord Durham received all the Reform petitions addressed to the Government by various organizations, and the deputations supporting these were received by him in person at his house in Cleveland Row.[1] This arrangement, made by Lord Grey, was doubtless due not only to Durham's position as chairman of the committee but also to the fact that he was the member of the Cabinet to whom the representatives of the middle class looked with the greatest confidence. At the same time Col. Leslie Grove Jones, a constant correspondent of Durham's, a Radical leader, friend of Francis Place, founder of the Parliamentary Reform Association, was giving Durham information gleaned from a number of sources and forwarding to him letters from London shopkeepers. On Durham's behalf he sent out a *questionnaire* to influential middle-class leaders.

It may be assumed that Durham gave to the committee the benefit of this information during its early sittings. Russell's later account in his *Essay on the English Government and Constitution* gives the impression that the committee proceeded immediately to the consideration of a detailed plan submitted by him. His explanatory letter to Durham in 1834 conveys the same impression—probably undesignedly.[2] Historians of the Reform Bill followed this lead. The evidence, however, points to a considerable amount of discussion in the committee before Russell's plan was drawn up. Sir James Graham, in the account which he prepared for Roebuck in 1851, said: 'The Committee met frequently and discussed in the most amiable manner first the principles

[1] Lambton MSS., Durham to Russell, Oct. 21, 1834. Given almost in full in Trevelyan, 380 seq.

[2] Russell to Durham, Oct. 19, 1834. Given in *Early Correspondence of Lord John Russell*, ii. 51–4.

and then the details of the scheme of Reform which was ultimately submitted to the Cabinet. Lord Durham held the pen, and committed to writing from time to time the points which were fixed by our agreement.' [1] Russell's plan was a matter of *detail*, and according to this account presupposes preliminary discussions of and decisions on the *principles* of the measure. Graham does not mention Russell's plan except to say: 'Lord John Russell furnished the materials on which Schedule A and B were framed.' It went, however, much farther than that. In Russell's account in his letter to Durham in 1834 he says: 'The real question in debate was whether we should propose an incomplete and therefore gradual reform or a large and comprehensive plan, which we might hope to make a final measure.' When did this debate between conflicting points of view take place? If Russell's plan is to be considered 'large and comprehensive', and surely it must be, the debate must have taken place before the preparation of the plan.[2] After speaking of this debate between the two conceptions, Russell goes on to say: 'The authority of Lord Grey and the dangerous excitement consequent on the Duke of Wellington's denial of all reform induced me to think that the latter was the safer proposition. In adopting it, I gave up some preconceived opinions, and discarded some apprehensions, which I trust events will prove to have been unfounded.' [3] Everything we know of Lord Durham leads us to consider it very improbable that he would have asked any member of a committee of which he was chairman to submit a plan before he presented his own views quite clearly. This supposition is confirmed by the remarkable resemblance of this first Reform Bill to Durham's Bill of 1821. Before mentioning Russell's plan, Durham speaks of 'a plan of Lord Althorp's, Ld. Duncannon's for Ireland, Mr. Cockburn's for Scotland and Sir J. Graham's

[1] Parker, i. 120.

[2] Unless the plan met with a strong conservative opposition. But where would this come from? Certainly not from Durham and probably not from Graham. And the alterations made by the committee were all in the direction of making the measure *more* comprehensive.

[3] This exchange of accounts of the committee's proceedings between Durham and Russell in 1834 was due to Durham's controversy with Brougham. It was Durham's intention to publish the correspondence.

for a Registration'.[1] Russell mentions these after his own. Althorp's plan may have been presented to the committee before Russell's or it may have been laid before it by Russell at the same time as his own. It seems improbable from the wording of Durham's letter and the plan itself that it was presented after Russell's. There was little in it that originated with Althorp. It was simply his comment on a conversation with Russell, who had probably approached him as leader of the Commons on behalf of the committee and told him what the committee was thinking about. It must be borne in mind that it was expressly his statement of the least he would be satisfied with. It was no doubt intended for the committee, but it took the form of an informal note to Russell:

'My dear John,

I told you pretty nearly all my plan last night and was very glad to find that you [the committee][2] went further than me. The plan I now state is, I think, my lowest, that is I should not think Government ought to propose anything below it. Procure 100 seats by disfranchisement, give 42 of them to large towns & manufacturing districts. Let the right of voting in the new towns be householders rated at £10, in the districts persons qualified to serve on juries. Disqualify out-voters (I own some little difficulty in defining an out-voter). The towns to be disfranchised to be selected according to their population. In all other towns where the number of voters does not bear a certain proportion to the number of inhabitants, householders rated at £10 to be added. Give Scotland a representative government. I think this will do. If one can get a practicable plan for taking the votes in different parts of Counties it must be added, but I am doubtful about this. I suppose for the present I must give up Ballot; I am no bigot. I do not consider nothing gained unless all is. With the Reform I will have, if I have any, the people shall have the power of taking what more they want & this is sufficient.'[3]

[1] Lambton MSS., Durham to Russell, Oct. 21, 1834. Most of the letter has been previously printed, but not the words quoted above nor the statement that the matter was finally submitted to Lord Grey 'with a Report, addressed to him, which I drew up as chairman and was signed by all of us'.

[2] Russell could not have divulged plans without the consent of the committee, and he probably spoke on their behalf.

[3] Lambton MSS., n.d.

Durham proposed that Russell should draw up a plan, 'because as it was a measure that must necessarily originate in the House of Commons, you of all the members had the best right to be connected with it, having been last in possession of the question'. This again suggests mastery of details rather than primary principles.[1] Undoubtedly Durham would have presented the Bill in Parliament had he been a member of the House of Commons.

The following was the plan presented by Russell:

'I. Fifty boroughs of the smallest population according to the census of 1821 to be disfranchised. [Across the face of this in Durham's hand-writing is the word "Approved" and in the margin in the same writing "This would disfranchise all boroughs of 1400 inhabitants".]

II. Fifty more of the least considerable to send in future only one member to Parliament. [Also marked "Approved" and in the margin "This would apply to boroughs of 3000 inhabitants" in Durham's writing.]

III. In all cities and boroughs which preserve the right of sending members to Parliament, persons qualified to serve on juries to have the right of voting. [This is crossed out, evidently indicating rejection by the committee. It was rejected.]

IV. In cities and boroughs which preserve the right of sending members to Parliament, no person to vote, except in the City of London, Westminster, and Southwark, unless he is a householder rated at £10 a year, has paid his parochial taxes for three years, within three months after they became due, and has resided in the city or borough for six months previous to the election.

V. Eighteen large towns to send members to Parliament. The unrepresented parts of London to send four or six additional members. Twenty counties to send two additional members each. [This is marked "Approved" in Lord Durham's hand.]

VI. The right of voting in the new towns to be in householders rated at £$\frac{10}{15}$ a year, or persons qualified to serve on juries. [The "15" and the last clause is struck out, leaving the "£10" standing alone.]

VII. Copyholders and householders having an interest of more than twenty-one years to vote in counties. [Marked "Approved" in Durham's hand.]

[1] Lambton MSS., Durham to Russell, Oct. 21, 1834.

VIII. The poll to be taken in hundreds and divisions of counties, but not more than fifteen with the consent of the candidates. [The words after "fifteen" are struck out.]

IX. In cities and boroughs the poll to finish on the second day.

X. No more right of voting to be acquired in counties by any property of less value than £10 a year. [This is struck out].'[1]

This plan was still a long way from the Reform Bill. Even the four articles marked 'Approved' were all altered. Lord Durham's handwriting may indicate either his personal or his official comments. In either case they must have been tentative. Lord John Russell in his *Essay* said: 'The first two propositions were agreed to, Lord Durham having first ascertained from the population returns that the first list of fifty would comprehend boroughs under 2,000 and not 1,400 inhabitants, and the second list of fifty, boroughs under 4,000 and not 3,000 inhabitants.'[2] This is quite incorrect. Appendix No. I to Lord Durham's report (Schedule A of the Bill) lists all boroughs under 2,000 population, and there are *sixty* of them, not fifty. Appendix No. 2 (Schedule B) lists all boroughs under 4,000 and there are *forty-seven*. So 167 seats were cut off instead of 150. Furthermore the principle was altered. Instead of arbitrarily cutting off a certain number of boroughs, the procedure was adopted of fixing a population figure below which there was no adequate constituency and another figure below which there should be a limited constituency. As Lord Durham explained later in the House of Lords: 'In fixing upon a population of 2,000 inhabitants in 1821, as the line within which all boroughs should be disfranchised, our object was to cut off all those rotten boroughs for which there could be no purifying remedy by way of extension of franchise.'

Russell's plan would have enfranchised eighteen large towns. The committee altered this to twenty-seven, seven of which were to return two members and the remainder one each. The number of counties to send two additional members was raised from twenty to twenty-seven, and the Isle of Wight was given one member. The plan provided for four to six additional members for London. The committee gave eight. The fact that all of these changes of detail were in the

[1] Russell, *Essay*, &c., pp. 225–7. [2] Ibid., p. 227.

direction of a more liberal measure is an evidence of Durham's strength in the committee. The matter of a special provision for London had probably been urged in the first place by Lord Durham in the discussion which preceded Lord John Russell's plan.[1]

Articles III, IV, and VI of Lord John Russell's plan refer to the qualification for the borough franchise. We must remind ourselves of the existing diversity—burgage, corporation, freemen, scot-and-lot.[2] Lord Durham wanted greatly to extend the franchise and also to bring uniformity out of this diversity by setting up the same qualification in all boroughs. Any uniform standard higher than scot-and-lot, vastly as it might increase the total number of voters, would disfranchise some voters in the scot-and-lot and potwalloper boroughs. Althorp's suggestion was to give a £10 rental franchise to all new towns, but to other towns only where the number of voters did not already come up to a certain ratio to the number of inhabitants.[3] This would avoid disfranchisement, but would leave a great deal of diversity with £10, scot-and-lot, and even freemen boroughs. Russell, with no enthusiasm at this time for a low franchise, proposed in his plan (III) to *en*franchise in the old boroughs all who enjoyed the jury-qualification (£20 rental except in Middlesex where it was £30), and (IV) to *dis*franchise only those who fell below £10 rental, except in London, Westminster, and Southwark, where apparently the old scot-and-lot franchise would be retained. This looks very much like a bribe to the London Radicals and populace to maintain a high franchise in the greater part of the country. Great diversity would prevail, including £20, £10, scot-and-lot, freemen, and 'fancy' franchises. And the new boroughs were to have a different franchise, for which Russell suggested options. Against this Durham prevailed with his principle of uniformity and a £10 franchise. How strongly Russell urged his position, however, may be seen from the following paper (hitherto unpublished) which he submitted to the committee.[4]

[1] 'The metropolitan subdivision of the representation was pressed by Lord Durham' (Sir James Graham's account, Parker, i. 120).

[2] See Chapter III.

[3] See p. 116, *ante*.

[4] Lambton MSS. It is in Russell's hand and is endorsed in Lord Durham's hand 'Lord John Russell on the Franchise in Cities and Boroughs'.

'The present government has a great power and a great responsibility. The confidence of the people attaches to it, and on the plan of reform produced by it the future happiness of this country depends. There are two objects, it is conceived, which should principally be kept in view; the one to satisfy the just expectations of the people; the other, & infinitely more important, to give a good political constitution to the nation. With regard to the first it appears as might have been expected, men on the near approach of reform are becoming more moderate & reasonable. Many speak of the qualification of Mr. Peel's jury bill as a good rule; a Liverpool reform newspaper says, "A favourite plan amongst most people with whom we have lately conversed on the subject of the extension of the elective franchise is to adopt the rule of Mr. Peel's jury bill, which includes householders assessed to the poor rate or inhabited house duty on a value of not less than £20 per annum". Others speak of £15, but few except in Westminster & Middlesex seem to go so low as £10. . . .

'With regard to the second and more important point, it is to be considered that £10 a year is generally the lowest rent at which a householder pays poor rates. This class of men in large places like Westminster, Manchester, Liverpool form a very fair constituency. But by our plan we propose to leave about 140 members to places under 6,000 inhabitants. It is much to be feared that in such places the householders will be open to the influence of bribery and beer, and that in taking away close nominations, we only substitute corrupt elections. This I submit is against the very spirit of our reform. Elections carried by money, treating & an appeal to low passions, will produce such disorder, & such disgust, that an arbitrary monarchy will sooner or later be the consequence. Our object should be rather to place the power of choice in men of property & intelligence, who will exercise it with honesty & discrimination. Now or never is the time to do this. If you give up all the close boroughs and place the franchise too high, you can never again raise it.[1] It is to be considered likewise that in two or three years time, if the present temper continues, you may be obliged to consent to the ballot. You should take care therefore to have a good constituency, for a corrupt and low constituency, freed from all influence of property, may cause the total overthrow of the constitution.

'An objection is made that the franchise ought to be uniform

[1] Russell apparently intended to write 'low' in place of 'high'.

in the three kingdoms. I do not see this necessity. In the jury bill there is a qualification of £30 a year for Middlesex, and of £20 for the rest of the kingdom on the ground, I presume, that rents are higher in Middlesex. Scotland I suppose is a good deal lower rented than England in respect to towns. But at all events, it would be better to raise the franchise in Scotland and Ireland than to make it too low in England. A somewhat better class of people would have the franchise. Indeed it seems inconsistent to make the franchise in counties £10 a year of net value, & in towns £10 a year occupancy, the copyholder of £10 a year being so much the more substantial man of the two.

'Upon the whole therefore the choice is a serious one. Where you retain a franchise it may be right to fix it at £10, but if where you have a franchise to give, you give it to scot-and-lot householders, you run the risk of creating more evils on the one side, than you put down on the other.'

Forcefully as this position of Russell's was stated, the committee accepted Durham's principle of a uniform £10 franchise. The adoption of the principle of uniformity was probably as valuable an achievement as the extension of the suffrage. At one stroke it swept away a mass of confusion and corruption, initiated a system that was simple and relatively just, and prepared the way for the orderly march of democratic advance. Even a scheme of variation on economic grounds would have had to be revised as economic conditions changed, and would have opened the door to an endless amount of juggling and corruption on the part of governments. It would also have placed difficulties in the way of every further extension of the franchise. The latter would have pleased Russell and most of the Whigs; they wanted no further extensions. But with Durham it was different; there must be a simple, easy path of advance. As Mr. Trevelyan has said: 'This uniformity may seem its (the Bill's) most democratic point if it is regarded as the first of a number of steps. Uniform ten pound suffrage in 1832 ensured uniform household suffrage in 1867.' [1] It led also to the uniformities of the Reform Bills since 1867. The '£10 franchise' meant the enfranchisement of all householders whose houses were of the assessed rental value of £10 a year. Values of course were a great deal lower than those of the

[1] Trevelyan, *British History in the Nineteenth Century*, p. 240.

present day. A £20 house was that of a man in comfortable circumstances. Most working men's houses bore a rental value of from £5 to £8, although some of those of the more prosperous came over £10. Most shopkeeper's houses were between £10 and £15.

The principle of uniformity was reconciled to the claims of those under the £10 standard who already enjoyed the franchise by ensuring to them the right of voting during their lifetime. A similar provision in Durham's Bill of 1821 again points to Durham's influence.

The enfranchisement of leaseholders was restricted to those of £50 per annum and of copyholders to £10 per annum.

Article VIII of Russell's plan recommending that the poll be taken in hundreds and divisions of counties—instead of, as heretofore, only at the county town—was adopted with the deletion of the words 'with the consent of the candidates', which would have destroyed its efficacy. The restriction to a maximum of fifteen polling divisions was retained. In Durham's Bill of 1821 the provision was made without this restriction. This feature of the Reform Bill, so generally overlooked, was of great value in reducing the possibilities of corruption and lessening those tremendous election expenses which, except in extraordinary circumstances, had made it impossible for any but a very wealthy man to be a candidate in the county constituencies.

Article IX of Russell's plan would have restricted the period of polling in each constituency to two days. The committee changed this to three days in the boroughs and six days in the counties. Durham's Bill of 1821 had called for a restriction to six days in the boroughs and ten days in the counties.

Other features of the Bill, not included in Russell's plan, were the enforcement of residence, provision for registration of voters (both of which destroyed a great deal of corruption), and the increase of the number of polling booths at each voting place, all of which had been provided for in Durham's earlier Reform Bill.

When the work of the committee was approaching its termination, Lord Durham suggested the ballot and triennial parliaments, both of which were prominent features of the

Radical programme. He had been for some time convinced that the ballot was essential to the undermining of electoral corruption, and that without it the extension of the suffrage would in many cases play into the hands of the wealthy. Nothing need be said here of the scenes of organized fighting, hired bullies, treating, open bribery, and the careful observation of how every man cast his vote which characterized the days of open voting. To the stories of the control of landlords and employers may be added one narrated in a letter to Lord Durham. One of the landlords of the coal district arranged for a conveyance to take the colliers to town every Saturday night to make purchases. If any merchant voted the wrong way the men were forbidden to make any purchases from him on pain of being discharged, and the drivers were not permitted to carry such purchases.[1] Only the ballot could abolish this state of affairs. Durham's contact with men of the middle class constantly forced on his attention this primary object of the middle-class Reformers. With the middle class at least it would be of incalculable value in popularizing the Reform Bill. Lord Durham's object during these months was to secure a thorough-going reform by framing a bill that would please the popular leaders and win enthusiastic support throughout the country. Once presented to Parliament, popular pressure would go far to carry it through. But there were limits to such a policy. There were certain things that could never be carried through that Parliament in that manner. Certainly in this crisis of our national history boldness was wisdom, but in the proposal of the ballot boldness took one step too far and tempted fate. In every other respect Durham had stopped at the right place. In this one false step he was fortunate in being checked by the intervention of Lord Grey.

Durham carried the ballot in the committee. Graham is said to have supported him on the advice of Althorp, the latter knowing that the Cabinet would reject it, but hoping that it could be used in bargaining against those members of the Cabinet who would favour a high franchise.[2] If that is

[1] Lambton MSS.

[2] Le Marchant, p. 292. For a discussion of the positions of the various members of the committee see Butler, p. 181 n.

true, Althorp must also have consented to the compromise which Russell exacted before he gave way—the substitution of a uniform £20 franchise for the uniform £10 franchise already agreed upon. Did Althorp believe that the best means of securing the £10 franchise (which although it went beyond his own 'plan' he must have welcomed) was to send a £20 franchise to the Cabinet along with the ballot and then buy back the £10 franchise at the price of the ballot? [1]

Lord Durham stated later: 'My recommendation of the jury or £20 qualification was dependent on the adoption of the Ballot.' [2] He probably secured an understanding with Grey and Althorp that the £20 franchise and the ballot were to stand or fall together. The fact that Grey told the King that the £10 franchise would probably have to be conceded if the ballot were dropped tends to support this conjecture.[3] Russell apparently knew nothing of such an understanding,[4] but he was not as close to Grey as either Durham or Althorp and was not a member of the Cabinet. Lord Durham also proposed triennial parliaments. Lord John Russell opposed this and compromised at quinquennial parliaments.[5]

The committee was now ready to report to the Cabinet. Would this most aristocratic of cabinets, wealthier in its acreage than any of its predecessors, recommend to Parliament such a breach in the old system, such a concession of political power to the middle class? Much would depend on Lord Durham's wording of the report, much on the influence of Lord Grey.

To what extent had Lord Grey been cognizant of what the committee had been doing? Creevey's statement that 'Lord Grey knew not one syllable until it was presented to him all ready cut and dry' is not only inherently improbable, but is directly disproved by Lord Grey's statement in a letter to Lady Grey on January 2, ten days before the date of Durham's report: 'My whole morning has been occupied with a long discussion on the plan of Reform with Lambton and Lord John Russell.' [6] Lord Althorp's biographer stated that

[1] See Trevelyan, *Lord Grey*, p. 271.
[2] Howick MSS., Durham to Grey, Oct. 18, 1834.
[3] See *infra*, p. 130. [4] See *infra*, p. 131.
[5] Russell to Durham, and Durham to Russell, Oct. 19, 21, 1834.
[6] Trevelyan, p. 263.

Lord Grey desired the committee to report to him as soon as they had decided on any important point, and that he then proceeded to talk it over with Althorp. That may be true, although it is coupled with an impossible statement about their reporting on these separate points to the Cabinet.[1] On the other hand, it is difficult to believe that what may be called the policy of the Reform Bill was originally that of Lord Grey. When Wellington and the Tories surrendered to Grey, they believed that they were placing the Government in the hands of a very moderate reformer, and they were astonished and perplexed when confronted with the Reform Bill. What they had probably under-estimated was the strength of the influence on Grey of Durham and Althorp. Certainly when the extent of the measure became known its liberalism was ascribed to Durham.[2]

Behind the work of the committee there doubtless lay, as Mr. Trevelyan has suggested, 'informal conversations, extending over a period of many months, held between the Whig chiefs, especially Grey, Durham, Althorp, Ellice, and Lord John Russell, the group whence emanated the Reform Bill'.[3] Durham and Ellice had spent part of the preceding summer at Howick. The future Earl of Malmesbury, a very young man at the time, picked up snatches of conversation, the impressions of which he put down in writing years afterwards: 'Lord Durham and Mr. Ellice (commonly called "Bear Ellice"), both clever and ambitious men, had great influence with Lord Grey, and used it without mercy. . . . Ellice and Lord Durham were often at Chillingham, and their talk, of course, was chiefly as to the coming change, and of the re-arrangement of the boroughs and franchise.'[4] Lord Durham's strong influence over the mind of Lord Grey is referred to in practically all the sources of this period.

Whatever, on the other hand, Lord Grey's influence over Durham may have been, it did not alter in any essential respect the principles of Reform laid down in the latter's

[1] Le Marchant, p. 293.

[2] Annual Register 1833, p. 6; Roebuck, ii. 26, 129; Parker, *Graham*, i. 116.

[3] Trevelyan, p. 264. But it is difficult to believe that there was any precedent agreement on principles.

[4] Malmesbury, *Memoirs*, i. 36–7.

Bill of 1821. Both Grey and Durham arrived at a policy of giving a measure of reform that would satisfy the middle-class Reformers—whom Durham understood but with whom Grey had no acquaintance—but their motives were different. Grey did so in order to secure a basis on which all further change—perilous in his eyes—could be permanently refused; Durham in order that it might inevitably lead to successive measures of advance. It was the Grey idea that was presented in the Reform Bill debates, and Durham himself employed it to some extent in his report to the Cabinet.

The task Lord Durham assumed in writing his report was to persuade a cabinet, aristocratic in temper, rich in landed estates, half of whom were in their own minds lukewarm or antagonistic to any sort of Reform, but most of whom were impressed by fear of the popular movement, to accept a measure so advanced in character that when it was announced in Parliament their opponents shouted with glee and believed that the ministers were mad. It was the first of Lord Durham's four reports, of which that on British North America was the last. Differing vastly as they did in length and content, these reports displayed qualities of mind which were very similar, and three of the four were to carry the day at critical points of British, European, and Imperial history.

The report contains an explanation of the Bill and a brief argument in its behalf. It was presented to Lord Grey on the 14th of January (1831) and to a meeting of the Cabinet a few days later.

'To The Earl Grey

'In compliance with your directions we have carefully examined into the state of the representation, with a view to its thorough and effective reform, and we now present to you, as the result of our labours, three bills amending the representation of England, Scotland and Ireland.

'In framing them we have been actuated by the belief that it is not the wish or intention of His Majesty's Ministers to concede only as much as might for the moment evade or stifle the general demand for a complete alteration of the existing system, or to propose the adoption of such a measure as could merely be considered a bare redemption of their pledges to

their sovereign & the country. We have been on the contrary convinced that it is their desire to effect such a permanent settlement of this great and important question, as will no longer render its agitation subservient to the designs of the factious & discontented, but by its wise & comprehensive provisions inspire all classes of the community with a conviction that their rights and privileges are at length duly secured and consolidated.

'We have not been insensible to the great & appalling dangers which attend any further delay in effecting this settlement, or to the notorious fact, that obstinate resistance to claims, just in themselves, leads not to their suppression, but to the advancement of others infinitely larger, a forced compliance with which would produce consequences never contemplated by the petitioners in the first instance. We have therefore been of opinion that the plan of reform proposed by His Majesty's Ministers ought to be of such a scope and description as to satisfy all reasonable demands, & remove at once, & for ever, all rational grounds of complaint from the minds of the intelligent and the independent portion of the community. By pursuing such a course we conceive that the surest and most effectual check will be opposed to that restless spirit of innovation, which founding its open claims to public support on the impossibility and hopelessness of obtaining any redress of acknowledged abuses, aims in secret at nothing less than the overthrow of all our institutions & even of the throne itself.

'We propose in one instance to make this a measure of disfranchisement—in the case of the nomination boroughs. That system is one so entirely at variance with the spirit of the Constitution, so indefensible in practice, and so justly odious to the whole empire, that we could not consider any measure of Reform as otherwise than trifling and nugatory, which did not include the abolition or purification of these boroughs. We propose therefore to disfranchise all boroughs, the population of which amounts to less than 2,000 inhabitants. This will effect the extinction of the worst class. And we propose also to deprive of one member all those whose population amounts to less than 4,000. The purification of this latter class of boroughs, as well as of those cities & boroughs where the right of voting is enjoyed by close corporations, will, we think, be ensured by the extension of the elective franchise in them to all householders within the town, or borough & parish entitled by the late act to serve on juries—those who are rated to the relief of the poor or to the inhabited house duty at £20 per annum.

'We propose to grant representatives to all large & populous towns of more than 10,000 inhabitants, of which there are unrepresented now in England about thirty, the right of voting to be vested (as in the case of the purified boroughs) in householders of £20 per annum.

'In adopting this rate, we have considered that we have granted the elective franchise to a constituent body, including all the intelligence and respectability of the independent classes of society. If we had not felt ourselves called upon rather to extend than limit the elective franchise, we might perhaps have recommended the propriety of rendering it uniform, by immediately merging in it all the multifarious and inconvenient rights of voting now in existence.

'We have, however, provided for their eventual extinction, and, in the meantime, we trust, by the addition of an independent constituency, and other arrangements, we shall effectually prevent the recurrence of those scenes of corruption and political profligacy, which too often occur where the right of voting is vested in those whose want of education and state of dependence render them quite unfitted for its exercise.

'We propose to give additional members to counties whose population amounts to more than 150,000, dividing them into districts, leaving the forty-shilling franchise as it now exists, but enfranchising leaseholders of £50 per annum, and copyholders of £10 per annum.

'Having adopted the principle of the amount of population, as the surest proof of the necessity of disfranchisement in some cases, and an increase of the number of members in others, we could discover no test, more fixed and recognized than that of the last parliamentary census of 1821. Upon which, therefore, our measure, both with regard to counties & cities is founded.

'We next turned our attention to the necessity of diminishing the expenses of elections, and we propose to accomplish this by—

The enforcement of residence.
The registration of voters.
The adoption of ballot.
The increase of the numbers of polling booths.
The shortening the duration of the poll.
And the taking the poll (in counties) in hundreds or divisions.

'We finally propose that the duration of Parliament should be limited to five years.

'We have embodied these arrangements, and other measures of detail connected with them, in three bills, the heads of which we annex to this report.

DURHAM
J. R. G. GRAHAM
J. RUSSELL
DUNCANNON.'[1]

The report was presented to the Cabinet in Lord Durham's absence, his exertions having resulted in another physical breakdown. With the exception of the ballot, which was immediately rejected, the report met with a favourable reception. But Lord Grey wrote to Durham:

'I find from Althorp that there is likely to be more difficulty than I thought about Reform. Upon his saying to Brougham that he was glad to find there was so great a concurrence of opinion, he answered that he had great objection to the abolition of the close boroughs; that they were by no means the worst part of the representation; that there would be no means for getting seats for persons in the Government, &c.; he had hinted at this in the general discussion, but I thought had been satisfied by my answer, that whatever the inconveniences might be these boroughs could not be maintained. On this point I cannot give way. If he perseveres he may throw us over with the King.'[2]

This letter brought Durham to the next Cabinet meeting, ill as he still was. But Brougham—for once—'had nothing to say'.[3]

On the 30th Grey went to Brighton to lay the matter before the King, whose consent had to be secured before the Bill could be submitted to Parliament.[4] He had two interviews with the King on the 30th and 31st. They were anxious days for the little group in London who knew of this mission. Grey gave Lord Durham's report to the King to read, or else read it to him. Durham, no doubt, had had that in mind when he wrote it. The King, who had a great respect for Lord Grey,

[1] Lambton MSS. Document in Lady Durham's hand with changes in Lord Durham's hand. Copy (embodying the changes) in another hand. Given in Reid, i. 238–42.

[2] Lambton MSS., Jan. 24, 1831.

[3] Ibid., Durham to Russell, Oct. 21, 1834.

[4] It is so simple to say that the royal veto has never been exercised since the reign of Queen Anne. A very real veto *antecedent* to legislation was constantly exercised until the reign of Queen Victoria.

listened attentively to his arguments—that this measure alone could save the monarchy and the aristocracy. Persuaded that it was an 'aristocratical measure'[1] he gave his consent. The King further consented to the lowering of the qualification to £10, which Grey informed him would be necessary now that the ballot had been dropped. Grey's path was probably made easier by the fact that he could show the King the replies of middle-class leaders to the *questionnaire* of Leslie Grove Jones, which Durham, still in the grip of fever, had received from Jones on the 30th and immediately sent to Grey at Brighton.[2] These replies, which declared for a £10 franchise, the principle of uniformity, the enfranchisement of leaseholders and copyholders in the counties, and the enforcement of residence as well as the ballot and triennial parliaments,[3] made it quite clear that the middle class would be satisfied with the Bill. As for the aristocracy—who represented it better than Lord Grey?

Surely this was a most happy solution, the nation was safe, and the King might confidently resume his comfortable course of life. It was only when it was too late that William IV was to discover that in most of the high places of the land this was to be regarded as anything but an 'aristocratical measure'.[4] He had given his consent and the first crisis of the Bill was passed. In high spirits Lord Grey wrote to Lord Durham of the success of his mission. 'He was particularly pleased with your report, and entirely concurred in the statement, so powerfully and clearly made in it, of the neces-

[1] For William IV's use of this phrase see *Peel Papers*, ii. 178.

[2] Howick MSS., Durham to Grey, Jan. 30, 1831.

[3] Lambton MSS.

[4] Neither Grey nor Durham can be blamed for the fact that the King did not foresee the strength of aristocratic and ecclesiastical opposition to the measure and the reasons for it. They made no attempt to deceive him and thought that he understood. Grey's argument that the bill was necessary to save the aristocracy was quite sincere, and Durham, though that was not his prime motive, believed the same thing. A threefold misunderstanding was created through the King's lack of political discernment—that of the King referred to above, that of the Government in believing that he understood the situation when he did not, and that of the people whose myth of a 'liberal king' received an added halo from the belief that he was heartily supporting a democratic, not an 'aristocratical' measure. See Butler, pp. 188–9, and Trevelyan, pp. 277–8.

sity of doing something, and that that something should be effectual and final.' [1]

At half-past eight that night Durham dashed off a note to Graham:

'My Dear Graham,

I have just received an express from Lord Grey. All is right as we could wish. The King approves entirely. . . . This is really too good.

Ever yours
D.' [2]

To which Graham replied at ten: 'I was in a state of most powerful anxiety, full of gloomy forebodings, when your note arrived; it was most kind to write to me, and if the King be with us, the battle is won.' [3]

Some changes were made before the Bill went to Parliament. The franchise was brought back to £10 and the quinquennial parliament provision was dropped. On February 14 Russell wrote to Durham urging the former change in a manner that contrasted strangely with his previous argument against it,[4] but Durham had probably insisted that it should be made if the ballot were dropped.

On account of its character, the Bill had to be initiated in the House of Commons. We have seen that from the beginning Lord Durham desired that Lord John Russell should introduce it. Brougham preferred Althorp, but Durham insisted on Russell and was successful.[5] Althorp announced in the House that Lord John Russell would introduce the Bill on the 1st of March. From the first meeting of the committee until the appointed time the most stringent secrecy was observed in regard to the character of the measure. Lady Durham and her daughter were said to have made the required copies of Lord Durham's report.[6] The papers at Lambton show that Lady Durham copied Lord Durham's drafts for him, which she does not appear to have done on any other occasion. The members of the Cabinet pledged them-

1 Lambton MSS., Jan. 31, 1831. Given in full in Reid, i. 244.
2 Parker, i. 102.
3 Lambton MSS.
4 Lambton MSS. See Butler, p. 190.
5 Brougham, *Memoirs*, iii, 75; Lambton MSS., Durham to Russell, Oct. 21, 1834.
6 Le Marchant, p. 296 and note.

selves to secrecy as had the members of the committee. Never was secret better guarded and never was political strategy more successful. Permission was secured to confide it under a similar pledge to a few men outside the ministry, and it is significant that Burdett, the Radical leader, while he rejoiced at their courage, was afraid they had gone too far.[1] While less than thirty men guarded the knowledge on which all England hung expectant until the first day of March, the Political Unions exerted their powerful influence to hold the nation back from the brink of revolution and enable it to preserve its soul in patience until the Government had announced what it was prepared to do. Those days of waiting must have been days of deep satisfaction for Durham, whose views of what was essential to the nation's need were so triumphantly expressed in the Reform Bill. With a few exceptions, he had won from first to last, and he knew that the people too would be satisfied.

[1] Brougham, *Memoirs*, iii. 74–5.

VIII

THE FIGHT FOR THE REFORM BILL. I

For an expectant England the days passed slowly. But at last the 1st of March arrived. That poky little Commons Chamber was crowded with members as on no former occasion. A fortunate few sat in the galleries watching eagerly the face of little 'Johnny' Russell as though they would read his secret in advance, while he on whose words a nation waited looked 'pale and subdued' and shot nervous glances here and there. Palace Yard and all the approaches to the House were thronged with people. Fashionable hostesses presided over animated gatherings, each awaiting her special messenger. Couriers were all ready to carry the news to every city and hamlet and distant country-side. At six o'clock the little man rose to his five feet two. Was his lengthy introduction a piece of painful conscientiousness or was he playing with the suspense which invested him? Then, 'We propose that every borough which appeared by the returns of 1821 to contain less than two thousand inhabitants shall lose the right of sending members to Parliament', and the cheering broke loose, a strange medley of enthusiastic, incredulous, dubious, gleeful, and half-hearted cheers. To some the amazing words so simply spoken announced a millennium, to most they implied a speedy ending of the ministry. Some who liked them well and others who liked them not at all simply cheered the courage of men who had dared such a proposal. That was only a beginning, and as Russell went from step to step of the bold plan evolved by the four men who had met day after day in Cleveland Row, a remarkable scene ensued. Each member betrayed his personality by his facial expression, his gestures, and his excited cries. There was wild ironical laughter from the Opposition, and everywhere astonishment. 'They are mad, they are mad', said the Whig Baring to his neighbour. Sir Charles Wetherell, the doughtiest of debaters on the Tory side, began to take notes, then to fling his arms and legs about, and shout 'No, no' at every opportunity; finally he threw aside his notes 'with a mixture of despair, and ridicule, and horror'. In that gathering it was the quiet men who were conspicuous, and those who had eyes for any one but the 'little fellow not weighing above eight stone' who was calmly proclaiming a 'perfectly

new House of Commons', turned and watched the face of Peel. His impassivity gave way to a dour dejection, then a touch of anger; then he put his hands before his face as if to hide the emotions he could no longer control. Men said afterwards that he alone of the Opposition realized how successful this bold stroke was likely to be and that he saw a fateful calculation where others saw only courage.[1]

For seven nights the battle raged in the Commons. The Bill was attacked as 'revolution in the guise of a statute' and as a gross act of spoliation. Wetherell told the story of a man who had defined a charter as 'a scrap of parchment' with a big seal on it and charged that the perpetrators of this measure showed about that much respect for vested rights. The long list of men of ability who had sat for rotten boroughs was eloquently displayed. England had risen to greatness under this form of government whose destruction was now proposed. One speaker reminded the House that Old Sarum was the same Old Sarum when Montesquieu had described the English constitution as the quintessence of perfection. A more subtle argument was the claim that the old system was more representative than that proposed. In it, birth, wealth, ability (the promising young men who were easily introduced into Parliament), and the middle and lower classes right down to the potwallopers were all represented in some constituency or other, and thus the point of view of each class was represented in legislation, while the Bill would divide England by a £10 line into the privileged (among whom the middle class would dominate by force of numbers) who would vote everywhere, and the unprivileged who would vote nowhere. In fact, all the Whig leaders except Durham had looked wistfully at that conception. He alone had frankly and unreservedly championed the principle of uniformity, but he had won his victory, the Rubicon was passed, and they must all support the measure now although some of them did so with only half a heart.

The quality of the debate was much higher than usual. By the almost universal consent of those who heard the speeches and those who read them now on the cold printed

[1] *Recollections*, iv. 87–8; Le Marchant, pp. 297–9; Greville, i. 460; Creevey Papers, 563; Martineau, ii, 417–8, 421; *Times*, Mar. 2, 1831.

page, the best were those of the leader of the Opposition and a young Whig named Macaulay, who had been brought in the year before for the borough of Calne. It is significant that both Peel and Macaulay visualized the scenes of bloodshed and chaos that would ensue, in the first case if the Bill were passed, in the latter if it were not passed. History has proved that Peel was mistaken. We must think back to that time to realize the truth as well as force in the appeal of Macaulay.

> 'Now, therefore, when everything at home and abroad forebodes ruin to those who persist in a hopeless struggle against the spirit of the age, now, while the crash of the proudest throne of the Continent is still resounding in our ears, now while the roof of a British palace affords an ignominious shelter to the exiled heir of forty kings, now while we see on every side ancient institutions subverted, and great societies dissolved, now while the heart of England is still sound, now while old feelings and old associations retain a power and a charm which may too soon pass away, now in this your accepted time, now in this your day of salvation, take counsel, not of prejudice, not of party spirit, not of the ignominious pride of a fatal consistency, but of history, of reason, of the ages which are past, of the signs of this most portentous time. . . . The danger is terrible, the time is short. If this bill should be rejected, I pray to God that none of those who concur in rejecting it may ever remember their votes with unavailing remorse, amidst the wreck of law, the confusion of ranks, the spoliation of property, and the dissolution of social order.'

While the debate was in progress Lord Durham was seeking to strengthen the ministry. He had been anxious for some time to have Hobhouse brought into the administration, partly because of his abilities and partly because he felt that it was desirable to have a Radical member for Westminster in the Reform Bill Cabinet. He now secured Lord Grey's consent and sounded out Hobhouse. For some reason, however, Hobhouse did not enter the ministry until the following January, when he became Secretary for War.[1]

To the majority of the upper class, to the bench and most of the bar, and to the Church especially, the Reform Bill was anathema. To the great mass of the people, the middle and lower classes, it was the most popular measure ever brought

[1] Howick MSS., Durham to Grey, '1831'; *Recollections*, iv. 91, 92.

down by a British government. Those who were not enfranchised were apparently as enthusiastic as those that were; they saw the destruction of an old order that they had every reason to hate, and as for their own suffrages, they might have appropriated the motto of the Lambtons, 'Le jour viendra'. This was the attitude of even those who in some constituencies lost their votes, such as the scot-and-lot voters of Westminster who fell short of £10 rental.[1] For the first time practically all elements of the middle and lower classes were united. With the single exception of Orator Hunt all the Radical leaders swung in behind the Bill, and for the time being we hear nothing of annual parliaments, universal suffrage, and the ballot. Hobhouse said that never before had the Whigs been bold and the Radicals prudent. Of course the prudence of the latter was due to the boldness of the former. Francis Place for once ceased to carp. 'Nothing in my lifetime', he wrote, 'has ever produced such general exultation.' As for himself he was 'delighted', and he exhibited his delight to all the world.[2]

Everywhere men cheered the names of Brougham and Durham, Grey and Russell. The people believed that Brougham must have had much to do with the measure, but his own frankness in admitting that he had opposed certain parts of it, and a suspicion that he was willing to trim, modified somewhat his popularity.[3] The most common answer to the question of how the measure came to be so liberal in character was 'Lord Durham'.[4] But they had always had confidence in Brougham and Durham. The new heroes were Lord Grey, who was such a surprise to every one and was now honoured as the leader of a great common

[1] The number of voters in Westminster fell from about 16,000 to 11,576. But next door to them in the London constituencies there were 44,000 new voters. See Halévy, iii. 25 n., 26 n.

[2] B.M. Add. MS. 27789, f. 265–6. [3] B.M. Add. MS. 27790, f. 21.

[4] Roebuck, ii. 129. See also Parker, *Graham*, i. 116. Miss Martineau (ii. 416) said that 'the execution was universally understood to have been confided in chief to Lord Durham'. The contemporary comment of the Annual Register on Russell's statement that the general project sprang from the mind of Lord Grey was that 'the world believed that the greater part of the premier's mind had been found, on this occasion, within the body of his son-in-law, Lord Durham'. That was written, of course, without a knowledge of the facts connected with the preparation of the measure, but it is of value as a description of public opinion at the time.

cause, and Lord John Russell, who had the dramatic role of introducing the Bill and piloting it through the House of Commons. For that reason it came to be known as 'Russell's bill' and 'Russell's plan' without any thought of authorship, which in fact he did not claim. But years afterwards Russell was leader of the Liberal party, and political followers have a way of creating legends to help their leaders. The phrase 'Russell's bill' came to take on a different meaning, and by the middle of the century most people believed that the Bill was really Russell's. In fairness to Russell himself, it must be said that his own statements published in the later editions of his *Essay* must have altered that view in the minds of those who read them. That he did not state all the facts can hardly be imputed to a desire to deceive.

The excitement of the people brought with it a considerable enhancement of political education. Working men skimped themselves of their porridge to purchase newspapers to read —or have read to them—the debate in Parliament.[1] In most of the large cities crowds of men assembled and marched through the streets with banners and music. At a reform meeting in London, Colonel Evans announced that he had just arrived from the Sussex coast and that he knew that ten thousand men were ready to march up from Ryegate to London 'to support His Majesty and his Ministers' if the Bill were defeated. The Political Unions discouraged violence, but they made calm threats of possible action. The chairman of the Birmingham Union openly stated that they could raise two armies, each as large as that which fought at Waterloo, if they should be needed to overthrow the borough-mongers.[2] The quiet insistence of the men of the unions was well expressed in their battle hymn of the democracy:

> God is our guide! from field, from wave,
> From plough, from anvil, and from loom,
> We come, our country's rights to save,
> And speak a tyrant faction's doom.
> And hark! we raise from sea to sea
> The sacred watchword, Liberty!

The effect of all this upon the House of Commons cannot

[1] A. Somerville, *Autobiography of a Working Man*, p. 152. Cited in Butler, p. 201.

[2] *Annual Register* 1831, p. 80.

be analysed, but that it was considerable there can be no doubt. A large part of the Whig following could not have been held behind the ministry if it had not been for the pressure from without. Lord Durham and his committee had faced the difficult task of framing a measure that would satisfy the people and at the same time pass the House of Commons. Durham had seen clearly from the first that the Bill could only be passed through the pressure from the people, but if the measure went too far Parliament would not respond and the pressure would break through the bonds of law, a result which he and his colleagues were most anxious to avoid. That their Bill had satisfied the people beyond all expectations was abundantly evident. The first test for its passing the Commons came on March 22, when the vote was taken on the second reading.

Macaulay's classic description, written a few days after the event, is the only one that can do justice to that night:

> 'Such a scene as the division of last Tuesday I never saw, and never expect to see again.... It was like seeing Caesar stabbed in the Senate House, or seeing Oliver taking the mace from the table; a sight to be seen only once, and never to be forgotten. The crowd overflowed the House in every part. When the strangers were cleared out, and the doors locked, we had six hundred and eight members present,—more by fifty-five than ever were in a division before. The Ayes and Noes were like two volleys of cannon from opposite sides of a field of battle. When the opposition went out into the lobby, an operation which took up twenty minutes or more, we spread ourselves over the benches on both sides of the House: for there were many of us who had not been able to find a seat during the evening. When the doors were shut we began to speculate on our numbers. Everybody was desponding. "We have lost it. We are only two hundred and eighty at most. I do not think we are two hundred and fifty. They are three hundred. Alderman Thompson has counted them. He says they are two hundred and ninety-nine." This was the talk on our benches.... I had no hope, however, of three hundred. As the tellers passed along our lowest row on the left hand side the interest was insupportable,—two hundred and ninety-one,—two hundred and ninety-two,—we were all standing up and stretching forward, telling with the tellers. At three hundred there was a short cry of joy,—at three hundred and two another, sup-

pressed however in a moment; for we did not yet know what the hostile force might be. We knew, however, that we could not be severely beaten. The doors were thrown open, and in they came. Each of them, as he entered, brought some different report of their numbers. It must have been impossible, as you may conceive, in the lobby, crowded as they were, to form any exact estimate. First we heard that they were three hundred and three; then that number rose to three hundred and ten; then went down to three hundred and seven. Alexander Baring told me that he had counted, and that they were three hundred and four. We were all breathless with anxiety, when Charles Wood, who stood near the door, jumped up on a bench and cried out, "They are only three hundred and one". We set up a shout that you might have heard to Charing Cross, waving our hats, stamping against the floor, and clapping our hands. The tellers scarcely got through the crowd: for the House was thronged up to the table, and all the floor was fluctuating with heads like the pit of a theatre. But you might have heard a pin drop as Duncannon read the numbers. Then again the shouts broke out, and many of us shed tears. I could scarcely refrain. And the jaw of Peel fell: and the face of Twiss was as the face of a damned soul; and Herries looked like Judas taking his necktie off for the last operation. We shook hands, and clapped each other on the back, and went out laughing, crying, and huzzaing into the lobby. And no sooner were the outer doors opened than another shout answered that within the House. All the passages, and the stairs into the waiting-rooms, were thronged by people who had waited till four in the morning to know the issue. We passed through a narrow lane between two thick masses of them; and all the way down they were shouting and waving their hats, till we got into the open air. I called a cabriolet, and the first thing the driver asked was, "Is the Bill carried?" "Yes, by one." "Thank God for it, Sir."'[1]

Sir James Graham left the House for his office, and immediately dashed off the following note to Lord Durham:

'My dear Lord,

For the Second Reading 302
Against ,, 301

So the Ayes have it.

A dreadful race, won by an accident at last.

Admiralty 4 o'clock. Ever Yours, J. E. Graham.'[2]

[1] Sir George Otto Trevelyan, *Life and Letters of Lord Macaulay*, i. 231–3.

[2] Lambton MSS. The 'accident' was apparently Sir Andrew Agnew's

With a majority of only one on the second reading, it was of course apparent that the Bill could not go through Committee without being sadly mutilated. The Government's hope now lay in persuading the King to dissolve Parliament and thus securing from the electorate a 'working majority'. Slight as the majority was, however, the winning of that 'dreadful race' was a great victory in itself, and it made it easier for the King to give his consent to dissolution a month later. The possibility of a dissolution had been in everybody's mind since the introduction of the measure.[1] For some days before the vote Lord Grey had been endeavouring to discover the King's attitude on this matter, and had been met by a series of flat refusals to dissolve Parliament. The King feared the excitement that an election would cause; the peace of the country would be endangered and a flood of radicalism would be let loose that would carry them far beyond the present Bill; and in Ireland anything might happen.

On the day of the division Grey turned this correspondence over to Durham for the latter's consideration. Durham immediately sat down and wrote a letter which, hurried as it was, embodies the strongest argument for dissolution:

> 'In the event of a dissolution, the excitement would be directed into the harmless course of an enthusiastic action in favour of the King and his Government, directed, it is true, warmly against the defenders of the borough system, but, in an equally strong degree, pronounced in favour of the prerogatives of the Crown; of the beneficial use of which, for their own interests, the act of dissolution must have convinced them [the people]. . . .
>
> 'The people are quiet now because they repose with confidence on the support of the King, should the borough faction be too strong for his Ministers in the House of Commons. Take away from them this last resource, on which they do confidently rely and who will answer for the consequences? . . .
>
> 'If, therefore, the King refuses his consent to that constitutional measure, which would, to the conviction of every sane man in the country, ensure the success of the Bill, the same country will say that he never was in earnest, or thoroughly

changing his mind at the last moment. See Le Marchant, p. 303 n., and Parker, *Graham*, i. 107 n.

[1] See *The Times* editorial, Mar. 4.

determined to carry it. In fact it would be another mode of refusing the Royal assent.

'What feelings would then exist in the public mind? Distrust of the King, whom they would proclaim to be the only obstacle to the attainment of their wishes; hatred and vengeance against those who have refused their claims, and to whom, by the way, the King must unite himself for the purpose of carrying on the Government; and a conviction, of all others the most dangerous, that the existence of the present form of government is incompatible with their attainment of those rights and privileges to which they feel themselves entitled. Are these feelings not more likely to produce the tumults, massacres, &c., and the downfall of institutions, to which so much allusion is made, than noisy but transient exhibitions of popular enthusiasm which accompany, it is true, but always terminate with every election? . . .

'It is evident, to conclude, that the excitement of a General Election would only tend to weakening the enemies of Reform, and strengthening its friends, and ought therefore to be dreaded by the one and desired by the other. In which class is the King to be ranked? His determination as to the dissolution must decide this.'[1]

On the following day, after the vote on the second reading, Lord Durham again wrote to Lord Grey urging that he call the King's attention to the fact that the only reason that they lacked a sufficient majority to carry the Bill through committee was that the 'Government influence' in the boroughs was enjoyed by their opponents who had exercised it at the last election.

'It may also be said after the division of last night, under all the disadvantages above stated, we still have successfully accomplished the first step of a recognition of the principle of our measure—barely, it is true—but yet a positive recognition. What is wanting to make it a triumphant recognition? The possession of our Government interest. All England will see this, and if it is refused us it will be considered by them as an act of avowed opposition on the part of the King to the Bill. He will then be considered as defeating it by withholding the notorious and easy means of ensuring its success—a dangerous position for him to be placed in, and uselessly dangerous. For even in the present Parliament, with three hundred and two

[1] Howick MSS.

members pledged in support of this measure, what chance is there of an evasive measure being carried? The present difficulty will then recur again and again, and if at last a dissolution is forced upon the King, under what different circumstance will it take place? . . .

'The question now is between no Reform and real but rational Reform. The question then will be between half Reform and ultra or radical Reform. From this danger we shall be saved by a present dissolution.' [1]

Lord Grey was so impressed by these statements that on the following day he urged Lord Durham to embody them in a letter to the King. To this Durham replied that he would do as Grey suggested if the latter insisted on it, 'but would not the same end be effected by your reading to the King my letter to you. . . . Between ourselves, his personal civility to me has given me no encouragement to volunteer any nearer approach to his confidence'.[2]

Consequently Durham's letter of the 23rd and possibly that of the 22nd were shown to the King. The latter assured Lord Grey that he was not offended by their frankness. Durham thought otherwise. He told Hobhouse a year later that the King had never forgiven him for his outspokenness in these letters. 'The King never speaks to him at Council, all of which he bears, he says, for love of the cause.' [3] But Durham's forceful arguments were at least listened to, and they possibly had a great deal to do with the King's ultimate decision. William IV usually did the reasonable thing in the long run, although he disliked Durham, resented anything that looked to him like dictation, and was becoming decidedly uncomfortable as he became apprehensive that this 'aristocratical' measure was essentially a democratic one.

Although the Bill had not reached the Lords, Lord Wharncliffe precipitated a short debate in that House by moving on March 28 for certain papers connected with Parliamentary Reform. Lord Durham replied to him, thus making the first speech for the Bill in the Lords. It was in the main an explanation of the measure. He appealed to the chivalry of

[1] Lambton MSS. Given in full in Reid, i. 249–51.
[2] Howick MSS., Mar. 24, 1831.
[3] *Recollections*, iv. 199; Hobhouse's Diary, Mar. 13, 1832.

those of the Opposition who felt that the measure was in the best interests of the country.

'I am sure that neither the noble duke nor your lordships can forget the conduct of my noble relative near me, and his colleagues now in office, when the Catholic Relief Bill was brought forward. The advocacy of that great measure had excluded us from political power—the just object of every Englishman's ambition; their opposition to it had enabled our political adversaries to retain office for a long series of years. And yet, what did we do when the noble duke, avowedly through intimidation and fear, brought forward the very measure for advocating which, on the sound principle of political justice, we were excluded from office? We not only suffered him to carry away all the credit of the measure at the very last moment, but we did so when we and he knew that, unless he succeeded in carrying it, his Administration was at an end. . . .

'If it be true, as the noble lord and others have stated, that there is a spirit of discontent abroad among the lower classes, hostile to the institutions of the country, and tending to the destruction of the monarchy; if there be this spirit abroad (which I deny), I should like to know in what class will the supporters of the constitution find greater friends henceforward, or more steadfast allies, than among the middle classes? And what measure can be wiser than that which goes to secure the affections and consult the interests of those classes? How important must it be to attach them to our cause! The lower orders of the people have ever been set in motion by their superiors; and in almost all cases they have chosen their leaders from men moving in another sphere. . . . But I cannot make these observations without stating that I do not believe such a spirit exists as that which we have been told of. I believe, on the contrary, my lords, that the lower orders are attached most sincerely to the monarchy, and to the maintenance of the three estates, King, Lords, and Commons, as the sources of their welfare and security; and that, of all the nations in the world, the lower orders of England would be least disposed to change for a theoretical republic, or a pure despotism. To give security to the three estates is the object of our Bill. We leave the peers in possession of all their privileges; the Crown in the enjoyment of all its prerogatives; but give to the people at large that share in the government, of which, by the lapse of time and the progress of corruption, they have long been deprived. . . .

'I am not to be scared by a nickname, or discountenanced by a word. Undoubtedly any change effected in the government of a state may be deemed a "revolution". The glorious events of 1688 bear that name, yet they are hallowed in the breast of every true Englishman. . . . This revolution of 1688 was upheld by none more warmly than by the noble lords opposite, during the discussion of the Roman Catholic Relief Bill: it was then never mentioned but in terms of approbation and reverence, because it suited their political purposes; and yet the noble lord and others now use the word "revolution" in order to frighten us from the adoption of the proposed measure!'

The Easter recess gave the Government a breathing space before they had to take the Bill into Committee. They employed this time by making several minor changes in it. After a thorough investigation into the correctness of population returns, borough boundaries, &c., five boroughs were transferred from Schedule A to Schedule B, seven of those in Schedule B allowed to retain their full representation, and one member each was added to eight towns and eight counties. Sons of freemen born before the introduction of the Bill were to be allowed to exercise the franchise on coming of age, and the same principle was applied to those who became freemen through apprenticeship. On April 8 Lord Durham wrote to Lord Grey, 'I am working very hard on *the* Bill. Graham and Duncannon and I dined at Althorp's yesterday and went through all the alterations with him, and we meet again here to-day at noon.' Returning to Grey a letter of Palmerston's, Durham made the following comment: 'It is too late now to raise the qualification. Once announced and approved of by the whole country it cannot be retracted.'[1]

On the 19th the Government was defeated by eight votes on Colonel Gascoyne's amendment to the effect that the total number of members in the House should not be reduced. On the following day the Cabinet decided that one last appeal should be made to the King for a dissolution, and that if that failed they must resign.[2] Lord Grey took the Cabinet minute

[1] Howick MSS., Apr. 8, 10, 1831.

[2] Correspondence of Earl Grey with William IV and Sir Herbert Taylor. Grey to Wellesley, Apr. 21, 1831, published in Trevelyan, Appendix F.

to the King. The next morning, the 21st, he received a long letter stating that in view of the disturbed state of Europe and the improbability of any one else being able to form a stable government His Majesty considered dissolution the lesser of the two evils. There can be little doubt that the King's action was determined by the arguments embodied in the earlier letters of Lord Grey and Lord Durham, and the former's personal appeal on the 20th. Hobhouse wrote in his diary: 'Lord Grey employed Lord Durham to write his answer, which he showed me. It was very well done and bound the King to Reform in as civil and respectful terms as possible. Lord Grey seems to have thought much of the letter, for in a note to Lord Durham he calls it "perfect".'[1]

The Government proposed to carry on until certain money votes were secured, but the Opposition forced their hand. In the Lords on the 21st Lord Wharncliffe gave notice that on the following day he would move an address to the King praying that his Majesty would be graciously pleased not to exercise his prerogative of dissolving Parliament. Following the adjournment Lord Grey and several members of the Cabinet dined at Lord Durham's house in Cleveland Row. Lord Durham strongly urged an immediate dissolution. Lord Howick and Charles Wood arrived with a message from Althorp that the Opposition was protracting the debate in the Commons on other questions so that the Government could not report its ordnance estimates, and that as it seemed extremely doubtful that more money could be secured he advised dissolution without delay. After a long discussion, and further communication with Althorp and the Chancellor of the Exchequer, Lord Grey wrote to the King suggesting an immediate dissolution, and requesting an audience and a meeting of the Council on the following day. Before midnight a reply came back to Cleveland Row granting an audience at 11.30 in the morning and summoning the Council for 12 o'clock.[2]

At what hour the group at Lord Durham's broke up we do

[1] *Recollections*, iv. 199.

[2] Letter of the third Earl Grey (the Lord Howick of 1831) to *The Times*, Mar. 26, 1866. Correspondence of Earl Grey with William IV. Creevey Papers, 607–8.

not know, but the Commons rose at one o'clock in the morning, when the Opposition carried a motion for adjournment against the Government by a majority of twenty-two, thus preventing the report of the estimates. The Tories, no doubt, went to their beds in the confident belief that the Government would not dissolve Parliament without making another effort to secure the money which had been withheld, and that the way was clear for their declaration of the morrow against dissolution, which would probably determine the King's refusal and the resignation of the Government.

The Cabinet met next morning. They were anxious to secure the dissolution before Lord Wharncliffe's motion could be passed. If the dissolution should be effected by Commission, the Lords had the power to keep the Commissioners waiting at the door until the motion was put and carried; but they could not keep the King waiting. So the Cabinet decided to ask the King to dissolve Parliament in person. The King, who was also anxious to prevent the passing of Wharncliffe's motion, consented. But it was nearly one o'clock, Parliament met at two, and many arrangements had to be made. The crown must be brought from the Tower. Some one must carry the sword and the cap of maintenance. Grey was selected for the former, Durham for the latter. The Life Guards were at Knightsbridge and could not arrive in time. Brougham calmly informed the King that he had already ordered an escort from the Horse Guards to be ready at half-past one. Immediately on hearing that the King would go to Parliament Durham rushed out, ran to the gate, leaped into Brougham's carriage—the only one in sight—and gave orders to drive at all speed to Lord Albemarle's, the Master of the Horse. Albemarle, who was partaking of a late breakfast, jumped up at Durham's hurried entrance, and asked what was the matter. 'You must have the King's carriages ready instantly.' 'The King's carriages! Very well; I will just finish my breakfast.' 'Finish your breakfast! You will not lose a moment. The King ought to be at the House.' 'Lord bless me! Is there a revolution?' 'Not at this moment; but there will be if you stay to finish your breakfast.'[1]

The King and his attendants were driven through the

[1] Martineau, ii. 430–1.

streets with more haste than dignity. As the guns on Tower Hill announced his approach, the most disorderly scenes were being enacted in Parliament. In the Commons several members tried to speak at once, angry shrieks of contradiction cut the air, for a time only the strong-voiced could make themselves heard at all, and after the firing of the guns began each boom was the signal of a burst of cheering on the part of the friends of the Bill, which was most disconcerting to the temper of Peel, who had captured the floor. The summons of the Black Rod knocking on the door brought fresh disorder for the moment, and Peel continued to speak until he was pulled down by the tails of his coat.

In the House of Lords the wildest disorder prevailed. Some of the peers were, 'as it appeared in the confusion almost scuffling and as if shaking their hands at each other in anger'. (The discreet phrases of *Hansard*.) Peeresses huddled together in fright. Lord Londonderry, with 'at least six' of his friends trying to hold him back, rose to his feet and, lunging across the table 'as though he would strike the Duke of Richmond', exclaimed in a tone of fury that 'the noble lord seemed to think that he was the hero of this *coup d'état*'. When Lord Wharncliffe began to read his motion, Lord Durham left the House and sought out Lord Brougham, who, while Lord Shaftesbury temporarily occupied the woolsack, was awaiting the King. Durham told Brougham that Wharncliffe had no intention of making a speech and urged that something must be done to prevent the motion being passed before the King arrived. According to Brougham's own account, he 'rushed back into the House, and began by exclaiming against the unheard-of doctrine that the Crown ought not to dissolve at a moment when the House of Commons had refused the supplies. This was loudly denied. . . . I went on purposely speaking until we heard the guns'. With the guns the confusion became worse than ever. In the midst of it a messenger pulled at Brougham's gold gown, and the Chancellor shouting out that the King had arrived, rushed out of the House while the Opposition Peers hooted him. With the Chancellor's departure Lord Shaftesbury took the woolsack again, and after he had restored order to some extent Lord Mansfield began to

speak. Lord Wharncliffe said to him, 'For God's sake, Mansfield, take care what you are about and don't disgrace us more in the state we are in'. But the time for action had passed and speech was unavailing. In the midst of Lord Mansfield's rolling periods, the doors at the right of the throne swung open and Lord Durham appeared carrying the cap of maintenance, the first in the royal procession. The fact that the King's crown was too large for him and tilted over to one side of his head gave a final touch to that disordered day. But there was no lack of dignity in the regal manner and calm deliberate tones in which William IV prorogued and gave notice of the dissolution of his first parliament.[1]

The Whig leaders now turned their attention to the coming elections. Their management was largely in the hands of 'Bear' Ellice, Durham's intimate friend and relative. Ellice raised a fund from the members of Brooks's with which he went into the market to purchase rotten boroughs in order to secure votes to abolish the rotten-borough system. He succeeded, however, in securing only four. He bought the right of returning members for these for one parliament for £4,000. His failure was due to no lack of ability, for he managed the other features of the election with remarkable skill. It is rather a proof of the courage and cohesion which the Tory borough owners displayed in their hour of peril.[2] The Whig borough owners placed loyalty to the party before loyalty to the system, and returned members to vote for the Bill after the election as they had done before. In the open constituencies 'the Bill, the whole Bill, and nothing but the Bill' swept everything before it. Only six Opposition members were returned by the English counties, and the Government won a large majority of the open boroughs. There was a considerable amount of intimidation and some rioting, the excitement everywhere ran high, but the amount of violence was surprisingly small, a result due, no doubt, to the steady success of the popular cause.

[1] *Hansard*, 3rd Series, iii. 1807; *Times*, Apr. 23, 1831; Brougham, *Memoirs*, iii. 84; Greville, i. 472; Martineau, ii. 432 (Miss Martineau apparently confused the crown with the cap of maintenance).

[2] Trevelyan, p. 297 and note; Butler, p. 221.

After the election the moderates in the Cabinet made a strong attempt to modify the Bill. Among other points the £10 franchise was in danger. Durham fought them with all his vigour, and used his influence with Lord Grey to the utmost. This struggle apparently broke down his health, for he was too ill to attend the most critical Cabinet meeting (May 29). In his anxiety Lord Durham probably pressed Lord Grey too hard for the comfort of either of them. According to Creevey, 'Lord Grey told Sefton that Lambton made him both miserable and actually ill by his constant interference and persecution of him'.[1] But Durham had the satisfaction of seeing the Bill introduced into the Commons without any essential alteration. It passed its second reading on July 6 by a majority of 137.

As the measure took its long, slow course through Committee, the people became impatient, and Durham urged Althorp to resort to morning sessions of the House.[2] At last it was through the Commons, and on September 22 was introduced into the House of Lords. Now it would seem as though the time had come for Lord Durham to speak on behalf of the measure in whose preparation he had played so large a part. But instead of that he was at the death-bed of his son Charles, the 'Master Lambton' of Lawrence's famous painting. The blow fell on the 24th, but for months before Durham had been under the shadow of the greatest tragedy of his life. His feelings were always stronger than those of most men, and his physical resistance slight. His health had broken again in May and had not recovered; the losing battle for his boy's life had been one of physical as well as mental torture. It was under these conditions that he wrote in August those painful letters to Lord Grey in which he rebuked him in the most caustic language for withholding an earldom from him and for refusing him the Foreign Office at the time the Administration had been formed.[3]

[1] Creevey Papers, 574.

[2] Lambton MSS., Althorp to Durham, n.d.

[3] Howick MSS., Aug. 23, 25, 1831. I agree with Mr. Trevelyan, who read these letters in preparing his Life of Lord Grey, that they 'are written in the style of a man unnerved by neuralgic pain and parental anxiety' and that they were 'unworthy of the true greatness of his mind'. Mr. Trevelyan's further comment is also just: 'Forgetting what he had written

We would like to know much more than we ever can of that 'heavenly boy', as his grandfather called him, whose beauty, immortalized by Lawrence's masterpiece, has been a delight to succeeding generations. The letters of his parents, who idolized him, give much of his childish prattle, but little of it is characteristic. He had all the keen curiosity of the growing boy and his mind was quick and bright. He loved the tales of the border, revelled in the stories of the Black Douglas, and was delighted when his mother informed him that, through his father, he was descended from Robert Bruce. One evening in 1824 his older sister Fanny remarked that when the history of England came to be written 'a hundred years hence' their father's name might be mentioned in it. At which Charles—who was six—said, 'I hope they will put it "In the reign of George the Fourth lived the famous Mr. Lambton. He was a man of considerable talents"'.[1]

Lord Grey told Hedworth Lambton that his first meeting with the stricken parents was so terrible that while he lived he would never forget it. He believed that Durham was so ill that there would be serious danger in his attempting the funeral journey to the North. Lord Durham himself, in a letter to his brother, wrote: 'I never get any real sleep without laudanum, and at times I feel as if my head would burst. I bear up as well as I can for Louisa's and the children's sake.' On the urgent advice of Hedworth Lambton and Lord Grey, he decided to stay behind at Brighton. His letters between the departure on Tuesday the 4th and the funeral at Lambton on Friday the 7th are too pitiful for quotation.[2] Writing to Hedworth a few days later Lady Durham said that in Durham's state of health 'there is no telling what we

to Grey at the time, he conceived a belated grievance because he had been given the Privy Seal instead of a great administrative office. Yet how could he have made his name immortal and his country safe by drawing up the right Reform Bill if he had been all the last winter engaged in learning the mysteries of the Foreign Office or Admiralty?' (Trevelyan, p. 305).

[1] Lambton MSS. Various letters of Lord and Lady Durham.

[2] Lambton MSS. These letters are dated by the day of the week. Lord Grey did *not* make his great speech on the Reform Bill, as has been asserted, while the funeral cortege of his grandson was making its way to the North. He made it (Oct. 3) on the day before it left Brighton.

may all have to thank you for'. Durham wrote to Grey: 'One long, dreary, wretched day succeeds the other, from the miseries of which laudanum affords the only relief'.[1] He sought a change of scene by responding to an invitation of his friend, King Leopold of Belgium. The story of that visit will be told in a later chapter.

In the meantime Lord Grey and Lord Brougham were fighting the battle of the Bill in the Lords. Brougham wrote to Durham in high praise of Grey's speeches. Brougham's speech was brilliant, and was regarded as one of the greatest in his career. After the fervent appeal which marked its close, Brougham kneeled on the woolsack several moments in an attitude of prayer. Lord Campbell's spiteful biography suggested that he was unable to rise on account of the quantity of mulled port which he had consumed in the course of his speech. It is not likely that Campbell expected his readers to take this seriously. The quantity mentioned was easily within Brougham's capacity. Early on the morning of the 8th the Bill was rejected by the Lords by a majority of forty-one.

The popular indignation that followed this rejection was intense. It found expression in London in a monster procession and some rioting.[2] The Duke of Wellington was mobbed in the streets and the Marquis of Londonderry knocked unconscious by a stone. Throughout the country, while great mass-meetings were held and there was talk of refusing to pay taxes and of a movement for universal suffrage, public order was well maintained. Derby and Nottingham were the only notable exceptions. At Derby there were jail-deliveries and some loss of life; Nottingham Castle, the property of the Duke of Newcastle, one of the largest borough owners, was burned. It was the bishops who were most bitterly hated. Only one of them, the Bishop of Norwich, had voted for the Bill, and the vote of the bishops would have changed the situation. 'The bishops have done it; it is the work of the Holy Ghost' was the comment of the

[1] Ibid., Oct. 17; Howick MSS., Oct. 6.

[2] There was also a most enthusiastic meeting at the 'Crown and Anchor' at which Hobhouse had his pockets picked while his admiring supporters passed him along to a position of honour at the head of the room (*Recollections*, iv. 138).

Radical Carlile. 'Judas Iscariot, Bishop of Worcester,' was the inscription chalked upon the walls of Worcester Cathedral. All over the country crowds assembled in malicious glee to burn bishops in effigy. If we may judge by the vigour and ability with which he had championed his cause, it was the Bishop of Exeter—Durham's old opponent, Henry Phillpotts—who was burned with the greatest satisfaction to the people. A few weeks later came those wild three days in Bristol with their burning of the Mansion House, the bishop's palace, three jails, and two sides of a square of houses by a small group of hooligans, to whom political excitement gave an excuse and an opportunity, while the local forces of law and order exhibited a panic-stricken lethargy. Certainly the Reform organizations gave neither encouragement nor countenance to these outbursts of violence. Of far more historical importance was the constant organization and growing strength of Political Unions during these months, both Unions of the Birmingham type and 'Low Political Unions', in which the lower class alone were represented. The Government succeeded in preventing them from organizing along military lines, which they had shown a tendency to do, but they represented a large force, ready for action if the necessity arose.

IX

THE FIGHT FOR THE REFORM BILL. II

After the rejection of the Bill by the Lords it would seem that the Government had only two logical courses before it, modifying the Bill to satisfy the more moderate of its opponents in the Lords—Lord Wharncliffe and his 'Waverers'—or advising the King to create enough peers to ensure a majority for the Bill as it stood. The former course was the more dangerous, the latter the more revolutionary. Broken as he was in body and spirit, Lord Durham was still the most vigorous champion of the original Bill. Three days after the vote in the Lords—four after the burial of 'Master Lambton'—he wrote to Lord Grey:

> 'I see what Palmerston is driving at. He does not mind the disfranchisement of rotten boroughs or the enfranchisement of great towns, provided he can get such an elective qualification as will make those large towns as little really representative of the people as the boroughs he has destroyed. In my mind the whole question of Reform being a benefit or a curse turns on the elective qualification being as extensive at least as we made it in the first Bill. (In my own opinion all householders ought to vote, whether paying ten pounds or ten shillings.) Don't imagine the people will care one farthing for your new Bill if they are not to have the right of voting extended to them as largely as in the last Bill.'[1]

William IV had declared that he would not create enough peers to overcome the majority of forty-one. When one considers his traditions and predilections, his difficulties may be appreciated. He was becoming very touchy. This placed Grey also in a most trying position. But he was over-confident of his ability to win over his own order and decided to play a waiting game. The people, however, were exceedingly restive. It seems probable that on account of Durham's situation Grey did not reveal to him his difficulties. But if he had understood them fully, Durham would still have been for going full steam ahead, pressing the Bill through Parliament again, urging and if necessary forcing a creation of peers, a policy which, in anticipation of what had occurred,

[1] Howick MSS., Oct. 11, 1831.

he had suggested six months before. He saw, as Grey did not see, that that had to be done ultimately, and knowing the popular situation, as Grey did not know it, he emphasized the dangers of delay. He earnestly implored Grey not to put off the summoning of Parliament beyond the end of November.

> 'The people are with difficulty kept quiet. Their leaders have, it is true, confidence in you and Althorp, but they have none in some of your colleagues. . . . If the new Bill was known there would be no difficulty about the length of prorogation, but as the country cannot be acquainted with it until the Session commences, they are naturally most anxious for its early opening. . . . If Parliament does not meet until after Christmas, advantage will be taken of the long interval by the Radicals on one side and the Tories on the other to produce such a state of affairs as the Bill when produced will fail to compose.'[1]

Durham apparently wrote to other ministers in the same strain. At a meeting of the Cabinet on November 19 Grey, Palmerston, and Richmond, all strong for delay until after Christmas, were outvoted, and it was decided to summon Parliament for December 6. Brougham took credit to himself for this victory. 'Durham was abroad, but wrote that he looked only to me for saving them.'[2]

With this decision reached, Durham believed that all was going well. He had gone from Brussels to Paris, and Lady Granville wrote that 'Lord Durham seems pleased with the letters he receives from Lord Grey'.[3] Changes, however, were being made in the Reform Bill, this time without Durham's co-operation, and when he returned home at the end of November he was anything but pleased. In addition to a few minor changes and the substitution of the new census of 1831 for that of 1821, it was decided to make the number of houses and the amount of the assessed taxes the tests of the importance of a borough rather than that of population, while retaining the number of boroughs in Schedule A at 56 (this meant the shifting of five boroughs

[1] Howick MSS., Durham to Grey, 'Oct. 1831'.

[2] Brougham, *Memoirs*, iii. 95; *Recollections*, iv. 151–2.

[3] Letters of Harriet, Countess Granville, ii. 117, Lady Granville to Lady Carlisle 'November, 1831'.

from Schedule B to Schedule A and five from A to B); to adopt the principle of the Opposition's Gascoyne amendment by making the number of members equal to that of the present House (by permitting a number of boroughs previously in Schedule B to retain two members and adding one member each to an almost equal number of populous towns); to improve the facilities for securing personal payment of rates; and to permit *all* 'freemen' by birth and servitude (apprenticeship) to retain their franchises without restriction. The last named change was a clear concession to the old system and the only important exception to Durham's principle of a uniform £10 franchise. The new bill also included the objectionable Chandos clause enfranchising £50 tenants-at-will in the counties and thus playing into the hands of the landlords, who could easily create faggot-voters; this clause had been forced on the Government when the previous bill was in committee, and the same would inevitably happen again. Lord Durham always regretted the Chandos clause, but he must have seen its inevitability at this stage and there is no record of his opposing it.

Of the Radical leaders, Hobhouse and Cobbett believed that these alterations improved the Bill, but Place agreed with Durham. 'It was still a good bill', he wrote in his later account, 'though it differed in matters of detail from the former bill, but all the differences were for the worse, especially the provisions relating to the privilege of freemen to vote as suggested by the Tories'.[1]

Not only was Lord Durham displeased with the changes; he discovered on his return that Brougham and Graham alone agreed with him in insisting on an immediate creation of a sufficient number of peers to carry the Bill, and he heard altogether too much about negotiations with the 'Waverers'. It was quite evident that his cause—that of bold, direct, and vigorous action, trusting to popular pressure to carry things through—had suffered seriously during his absence. At the same time he probably became aware that the popular leaders, who alone could restrain a Radical movement, were losing confidence in the ministers, whom they regarded as

[1] B.M. Add. MS. 27,791, f. 119. There is no indication of Place's attitude to these changes in the literature of the Reform Bill.

lacking in energy.[1] His health was only partially restored, and he was in no fit state for the battle he felt called upon to wage. It was in these circumstances that there occurred that outburst of temper in a Cabinet meeting on the eve of the meeting of Parliament which Lord Althorp referred to in a letter to his father:

> 'We had a dreadful scene at my cabinet dinner yesterday, which will probably lead to very detrimental consequences for the moment. Durham made the most brutal attack on Lord Grey I ever heard in my life, and I conclude will certainly resign. He will put this on the alterations in the Bill, most unfairly, because there is no alteration of any consequence in the main principle; and I doubt whether he knows anything about the alterations, as he will not allow anybody to tell him what they are. But if he resigns on this ground it will break up the Government.'[2]

Lord Althorp was always honest and fair, and although he disagreed with Lord Durham at this time they both belonged to the liberal side of the Cabinet and worked cordially together in most matters. There can be no question that this is a faithful description of the scene and the impression it made upon his mind. The following account in Greville's Journal, a hostile source, at third hand, is not so reliable, but the main facts are quite probable:

> 'George Bentinck told me this evening of a scene, which had been related to him by the Duke of Richmond, that lately took place at a Cabinet dinner; it was very soon after Durham's return from abroad. He was furious at the negotiations and question of compromise. Lord Grey is always the object of his rage and impertinence, because he is the only person whom he dares attack. After dinner he made a violent *sortie* on Lord Grey (it was at Althorp's), said he would be eternally disgraced if he suffered any alterations to be made in this Bill, that he was a betrayer of the cause, and among other things reproached him with having kept him in town on account of this Bill in the summer, "and thereby having been the cause of the death of his son". Richmond said in his life he never witnessed so

[1] B.M. Add. MSS. 27791, f. 7; *Life of Grote*, pp. 68–70; B.M. Add. MSS. 35149, Place to Burdett, Oct. 19, 1831, Joseph Parkes to Grote, Oct. 26, 1831.

[2] Le Marchant, pp. 374–5; Althorp to Spencer, Dec. 20 (an evident mistake for Dec. 6). See Trevelyan, p. 328 and note.

painful a scene, or one which excited such disgust and indignation in every member of the Cabinet. Lord Grey was ready to burst into tears, said he would much rather work in the coal-mines than be subject to such attacks, on which the other muttered, "and you might do worse", or some such words. After this Durham got up and left the room. Lord Grey very soon retired too, when the other Ministers discussed this extraordinary scene, and considered what steps they ought to take. They thought at first that they should require Durham to make a public apology (i.e. before all of them) to Lord Grey for his impertinence, which they deemed due to *them* as he was *their* head, and to Althorp as having occurred in his house, but as they thought it was quite certain that Durham would resign the next morning, and that Lord Grey might be pained at another scene, they forbore to exact this. However, Durham did not resign. He absented himself for some days from the Cabinet, at last returned as if nothing had happened, and there he goes on as usual. But they are so thoroughly disgusted, and resolved to oppose him that his influence is greatly impaired. Still his power of mischief and annoyance is considerable. Lord Grey succumbs to him, and they say in spite of his behaviour is very much attached to him, though so incessantly worried that his health visibly suffers by his presence. There is nothing in which he does not meddle. The Reform Bill he had a principal hand in concocting, and he fancies himself the only man competent to manage our foreign relations. Melbourne, who was present at this scene, said: "If I had been Lord Grey, I would have knocked him down".'

That fit of temper had unfortunate results in Durham's career. The members of that Cabinet never forgot it, and their prejudice against Durham on account of it ran strong and deep. Any one of them probably could have forgiven an attack on himself, but not such an attack on Lord Grey. We have no further record of any of them making direct reference to it, but we suspect that its memory lay behind many a hostile remark. And the majority of the members of that Cabinet were to constitute the majority of every Whig Cabinet until Lord Durham's death. But on the attitude of Lord Grey, who knew him so much better than any of them, this scene had no effect that can be discerned. Three years later he gave Melbourne his sincere advice not to include Durham in his Government, but that was due to a wide

difference of principle that had developed at that later date. Neither difference of opinion or scenes like this had any effect upon the affection that bound these two to one another. And apparently Durham's influence over Grey's mind was as strong after December 5 as it had been before.

In the weeks that followed, Durham, Brougham, and Graham were pressing for a request to the King to promise a large creation of peers. Durham and Brougham addressed to Grey carefully prepared statements on this subject on the same day, December 29. Durham accompanied his with an informal letter:

> 'I attach so much importance to the question which is to be discussed in the Cabinet on Monday next that I feel it necessary to record my feelings and opinions in a written communication. . . . I deem it more incumbent on me to do so because I perceived when we last discussed the matter in the Cabinet a great indisposition on your part to take the step which I now recommend, and I wish you therefore to be fully aware of the nature of my opinions.'[1]

Durham based his argument for their insisting on a sufficient number of peers mainly on their pledge to the people to use every means in their power to pass the Bill 'in the same form as that in which we introduced it, as to extent and efficiency'. In reply to the argument that such action was unconstitutional, he asserted that the King's power of creating peers was 'unlimited and undeniable'. As for motive:

> 'Prerogative is defined to consist in the discretionary power of acting for the public good, when the positive laws are silent. . . . If it is called forth for the public advantage and the safety of the state, it is as wise and just as it is constitutional. . . .
>
> 'It is said that the House of Lords would be destroyed by such an increase of its numbers. To that I answer that, by calling up the eldest sons of peers, we shall not eventually increase its numbers to any great amount; but even if we did, I apprehend no danger from the House consisting of 450, or even 500, instead of 418 members. Neither its votes nor its deliberations would be deteriorated by the accession of talent, property and liberality of opinions. On the contrary, the creations made under the Pitt system render such an adjustment

[1] Howick MSS.

of the balance absolutely necessary, not only for the carrying of this particular measure, but for the support of those principles of freedom and constitutional government without a strict adherence to which no Administration can now pretend to acquire or retain the confidence of the king or the people. As at present constituted, it is evident that the House of Lords is not in unison with the spirit of the age. Hence arise complaints, discontent, and doubts, openly expressed, whether its existence is not incompatible with the happiness and welfare of the country. To check at once these opinions, and to remove these doubts by enabling the House to assume an attitude more in consonance with the general feeling, would be surely an act tending not to its destruction but to its preservation.'

Nor does he believe that many of the peers who had previously voted for the Bill would oppose it because of the creation of new peers, especially when they considered that, in doing so, they would only be rendering necessary a still larger creation and would be precipitating a very serious crisis by a futile opposition. 'I cannot conclude without declaring my conviction that on the adoption of this measure depends not only the character of the Administration but the preservation of the country from civil commotions of the most alarming and dangerous nature.' [1]

While Durham's statement asked for the creation of a sufficient number of peers to ensure the passing of the Bill, Brougham suggested that ten or twelve or perhaps fifteen be created in order to produce the impression 'that you can make as many as you please', with the intention, however, that more be created if necessary.[2]

Lord Grey had written to Sir Herbert Taylor, the King's secretary, on October 8, after the defeat in the Lords: 'The amount of the majority puts all notions of our attempt to counteract it by a further creation of peers quite out of the question.' It is evident from Durham's letter that he continued to maintain that attitude. The effect of the statements made by Durham and Brougham may be judged by Grey's letter to the latter, three days after they were written, in which he said: 'I have come nearer to your view of the

[1] This statement is given in full in Brougham, *Memoirs*, iii. 111–15. and Reid, i. 270–5.

[2] Brougham, *Memoirs*, iii. 107.

matter of the peerage than I thought I ever could have done; and am much inclined to new creations at present or before the meeting of Parliament, to the amount and in the manner you propose.'[1]

On January 2 (1832) the Cabinet divided as follows on Brougham's proposal for the immediate creation of fifteen peers: For—'Grey, Durham, Althorp, J. Russell, Holland, Grant, Carlisle'; against—'Melbourne, Richmond, Palmerston, Lansdowne, Stanley'.[2] Considering the earlier attitude of Althorp and others, the carrying of even such a limited proposal was a notable victory. As a result of further discussion the number to be asked for immediately was reduced to ten, eight of whom were to be peers' eldest sons. The King's mind was to be prepared, however, for a request for a considerable number later on if necessary. Lord Holland, in describing this meeting to Lord Brougham, who was ill, wrote: 'Durham read a clear and able paper in favour of a large and immediate creation, and he was more temperate and conciliatory in manner than usual, and better satisfied with the result, though so far short of what he recommended, than I expected.'[3]

The King received the suggestion of creating ten peers now and others later if necessary with an open but reluctant mind. After reflection, he wisely decided against the instalment plan, preferring to create if necessary a sufficient number at one stroke. The Cabinet, now controlled by the 'violent' party (which had originally consisted of only Durham, Brougham, and Graham), urged him to 'allow them the power of acting up to the exigency of the case' when such action seemed necessary, and the King gave way. On January 15 he promised that he would not deny to his ministers 'the power of acting at once up to the full exigency of the case, it being understood that the contemplated addition shall be deferred till it may appear certain that, without such addition, the strength of the Government would be insufficient to bring the measure of Parliamentary Reform to a successful issue'.

[1] Brougham, *Memoirs*, iii. 116, Jan. 1, 1832.

[2] Parker, *Graham*, i. 134, Stanley to Graham, Jan. 2, 1832, given in Butler, p. 331.

[3] Brougham, *Memoirs*, iii. 305–6, Jan. 2, 1832.

This victory was due largely to Grey's own conversion and his influence with his Cabinet. Knowing what great influence Durham exerted on Grey, the more conservative members of the Cabinet waxed bitter against Durham. They constantly took their troubles to Greville, who had little love for the Bill. On January 7 Lady Cowper, sister of Lord Melbourne and afterwards wife of Lord Palmerston, told Greville that 'Palmerston and Melbourne, particularly the latter, are now heartily ashamed of the part they have taken about Reform. They detest and abhor the whole thing, and find themselves unable to cope with the violent party and consequently implicated in a continued series of measures which they disapprove'. They thought of resigning, but Greville's advice was against that. 'In fact Durham and the more violent members of the Cabinet would gladly drive Palmerston and Melbourne to resign if they could keep Stanley.' Durham wanted to be Minister of Foreign Affairs (a natural conclusion, perhaps, for Greville, from Durham's known ambition in that direction, and his too free criticism of Palmerston's foreign policy). On the 23rd Frederick Lamb, Melbourne's brother, informed Greville of the King's promise in regard to creations. 'Our party in the Cabinet still fight the battle but . . . Lord Grey (who is suspected to have in his heart many misgivings as to this measure), when left to Durham & Co., yields everything.' Later, Melbourne told Greville that the members of the Cabinet were 'really conscious of the violence of the measure, and desirous of avoiding it; that Lord Grey had been so from the beginning, but that Durham was always at him and made him fall into his violent designs; that it was a "reign of terror", but that Durham could do with him as he pleased'. In March (as will appear later) Durham was less successful with Grey, but the antipathy of the moderates was as strong as ever. 'Richmond quarrels with Durham, Melbourne damns him and the rest [of the conservative members] hate him. But there he is, frowning, sulking, bullying, and meddling, and doing all the harm he can.' [1]

The reference to 'violence' in the talk of this time, and the use of the term 'violent party' as the synonym for Greville's

[1] Greville, ii. 37–8, 43, 51–2, 68.

'Durham & Co.', implied not only that they favoured extreme measures, but that these would do violence to the constitution. According to the fundamental structure of the English constitution the right of legislation was inherent in King, Lords, and Commons, the consent of each being necessary to every legislative act. Both in theory and practice the legislative power of the Lords, deep-rooted in the sanctities of history, was co-ordinate with that of the Commons. So the men of that day regarded the constitution, and we must not allow our view of that time to be coloured by a later conception of the constitution, itself largely the result of the struggle of 1831 and 1832. It was proposed that the Reform Bill should be made law not by the regular constitutional procedure of so modifying it that it should be acceptable to the Lords as well as the King and the Commons, but rather by the King's creating enough new peers to stultify the decision of the existing House of Lords and force through a measure which had received the consent of the King and had passed the Commons, but had been rejected by the House of Lords. Such action would be legal, but would it be constitutional? The King had the right to create peers, but was not the employment of his prerogative for this purpose a clear violation of the spirit and practice of the constitution? For such action there was a great popular demand, but at that time popular demand was not a constitutional but a revolutionary force. Great Britain was not yet, either in theory or practice, a democracy. The passing of the Reform Bill was to establish the nation firmly on the road to democracy. But the question then was—how was the Bill to be passed?

These considerations influenced not only the lukewarm in the Cabinet but such good friends of the Bill as Grey and Althorp. The danger, of course, was not confined to a single violation of the rights of the House of Lords. Might not such a violation prepare the way for the destruction of the powers of that House? Brougham's keen nose scented that most essential thing to a lawyer—a precedent. Such an action might 'render a similar proceeding necessary on every certain change of Ministry'.[1] Consequently Brougham

[1] Brougham, *Memoirs*, iii. 342.

opposed—both before and after January 15—a *large* creation of peers.

The constant, unswerving advocates of the creation of a *sufficient* number of peers sought to justify the action on constitutional grounds. Graham wrote that this prerogative should be employed 'for the benefit of the people', Durham that 'prerogative is defined' as 'acting *for the public good*, when the positive laws are silent', and that in this case it was 'called forth for the public advantage and the safety of the state'.[1] To Durham's mind it was the extraordinary character of the situation that justified the action, and therefore it would not be a precedent except for situations that contained similar extraordinary features, that is, an extraordinary popular demand. With the Reform Bill once passed, extraordinary popular demand became more clearly a constitutional rather than a revolutionary force, but although there were constant clashes between Lords and Commons, the suggestion of 1832 was not employed again until 1911.[2]

The King's promise of January 15 did not settle the peerage question. The more conservative members regretted their decision; Brougham—owing partly to illness, it was said—and Grey had serious misgivings. The latter shrank from the creation of peers with something like horror, had only been converted with difficulty by Durham and Brougham, and was anxious to seize on any reasonable excuse to avoid it. The 'Waverers'—led by Lord Wharncliffe and Lord Harrowby—offered Lord Grey a means of escape. Frightened by the news of the King's surrender, they approached Grey with a promise that if new peers were not created they would support the second reading in the Lords although they desired amendments in committee. But who were the 'Waverers'? How many could they muster? Their two leaders were substantial enough, but for the rest they were a ghostly group. And what amendments did they desire? They talked vaguely about Schedule B, and changes in the £10 franchise, and more clearly about the abolition of the new metropolitan

[1] Parker, *Graham*, i. 131. See p. 158, *ante*.

[2] Lord Holland also took this position staunchly from December on. Like Durham, he supported this constitutional argument by a hard practical one: 'It is a strange quirk to prefer the danger of having no House of Lords to a temporary enlargement of it.' (Brougham, *Memoirs*, iii. 304).

representation (the eight members for London). Undoubtedly they aimed at more than that. Grey was willing to sacrifice Schedule B and all the new metropolitan boroughs except Marylebone, but would also, no doubt, have sacrificed more if necessary. Both the 'Waverers' and Grey professed to insist on the main features of the Bill being passed, but they knew very well that their conception of what the main features were differed widely, and neither party was desirous of being too definite.

The news of these negotiations was most encouraging to Melbourne, Palmerston, and Richmond, and most disturbing to Durham. We now hear of 'Durham & Co.' making every effort to secure a creation of peers before the second reading. The following appear to have been among Durham's followers: Holland and Graham in the Cabinet; Duncannon, Hobhouse, and Poulett Thomson (afterwards Lord Sydenham) in the Ministry; Ellice, Dover, Mulgrave, Sefton. The two latter were using their influence with Brougham who, with Russell and Althorp, was undecided and needed to be reconverted.[1]

Lord Durham found it much more difficult to persuade Lord Grey than on previous occasions, and resorted to threats. He told Hobhouse a few days later that on February 9 he had 'through Lady Durham and Lady Grey conveyed to Lord Grey his intention of resigning unless the Bill was made quite safe in the Lords'.[2]

The country during these weeks was becoming impatient. It had been informed by the Whig press that the Government was simply waiting until it was possible to know how many peers it would be necessary to create. But the delay seemed to be interminable. Suspicions of a compromise developed. Early in March criticisms of Lord Grey broke out on all sides.[3] The Tories believed that because there was no rioting the popular interest had slackened, but it was the Political Unions who were keeping the peace. Attwood found it increasingly difficult to keep Birmingham in hand, and at the beginning of March 'was in a great fright at the state of his town'.[4] Scholefield, one of the Birmingham leaders, wrote to

[1] Greville, ii. 52, 58, 59.
[2] *Recollections*, iv. 176, Feb. 12, 1832.
[3] See *Times*, Feb. and Mar. 1832.
[4] *Recollections*, iv. 191.

Durham that if the Government risked the second reading without creating peers the people would turn against it in disgust.[1]

Lord Durham, with the co-operation of Lord Dover, attempted to secure the signature of Whig peers to a petition asking the Government to create new peers before the second reading—with what success we do not know.[2] For the first time since the Reform Bill was mooted Durham found that he could do nothing with Grey. With the members of the Cabinet, however, he was more successful. Brougham, Althorp, and Russell were converted to his position. Beneath Althorp's calm, unruffled exterior a terrible struggle was being waged, during which, as a protection against himself, he removed his pistols from his bedroom. To agree to Grey's dangerous policy or to menace the stability of the Government by resigning seemed to him equally fatal to the safety and peace of his country, but to save his own 'character' he ultimately offered Grey his resignation. Graham did the same. Durham had been threatening resignation for weeks if the Government went to the second reading without the creation of peers.

Under these circumstances the Cabinet met to decide the question on Sunday, March 11. Durham took the aggressive and moved the following resolution—or series of resolutions:

> 'That the list of a probable majority on the second reading is unsatisfactory and not to be depended upon.
>
> 'That even that majority, uncertain as it is, is founded on the support of those who avow their determination to destroy the main provisions of the Bill in the Committee.
>
> 'That a majority in favour of those provisions is as necessary as a majority on the second reading.
>
> 'That in these circumstances a sufficient creation at the present time is absolutely necessary.'[3]

The majority of the Cabinet agreed with the first three propositions, but on the main question Grey won a sweeping victory. The Cabinet supported his policy of refusing to create peers before the second reading by a vote of 13 to 1.

[1] Lambton MSS., Mar. 10.
[2] Greville, ii. 68.
[3] Lambton MSS. The original paper in Lord Durham's hand.

The vote may not, of course, have represented the actual judgement of each individual on the wisdom of the decision. When discussion has revealed a substantial majority, members of minorities in committees frequently vote with the majority. But that was not Durham's way. He always registered his vote according to his thought. He was accustomed to being in minorities. He had advocated a similar measure of Reform when not one of these men had supported him. He was willing now to vote alone against a policy that imperilled it. The fact that he preserved the paper on which the Ayes and Noes were checked off with pencil marks suggests that he took pride in that solitary 'No'. Since there are thirteen Ayes and one No on the paper, the vote was taken on Grey's policy rather than Durham's fourth resolution, which was the opposite of it.[1]

It may be presumed that Grey's case was in the main that presented in his masterly letter to Althorp written earlier in the day. He there affirmed his confidence that the 'Waverers' could give them enough votes to pass the second reading. He admitted that there would be serious difficulties in committee, but argued that if they appeared to be too much for them the resource of the creation of peers would still be available. The Government would probably be aided in Committee by divisions among its opponents. The creation of peers was a 'measure of extreme violence' which they had no justification in employing until it proved to be absolutely necessary. If resorted to at this stage it would prove so distasteful even to the peers who had previously voted for the Bill that many of them might turn against it and oppose the second reading. To guard against that it would be necessary to create a very large number, and if that number failed to be enough they would find themselves in more serious difficulties than ever. In conclusion Lord Grey said that he was frequently accused of giving way too much to the opinions of others, and he did not wish to defend himself against that charge. He was not ashamed of abandoning an opinion when he was satisfied that he was wrong. But in this case he felt so sure of his ground that he was holding it against the opinions of the men for whom he had the greatest respect and affection.

[1] Lambton MSS. See also *Recollections*, iv. 197–8.

'It is painful to differ from such persons, but our conviction is not dependent on our will.' [1]

Strong as this argument was, it does not appear to us as convincing as those of Althorp's letter of the day before or Durham's of December 29.[2] Of that Cabinet, Brougham, Durham, and Althorp alone were in close touch with public opinion, and they alone knew how tragic its course might be when fully aroused, as it must be if the Bill were defeated without the Government having made the effort that would have rendered it safe. They alone understood how significant were the words of Althorp—'every one of us in whom the country at present places confidence will be utterly and entirely ruined in character'—and those of *The Times*, 'Where will the minister who involves us in that calamity hide his unhallowed head?' [3] Of these three men Brougham was absent on the day of decision, and Althorp was won back by Grey's words to that troubled and divided state of mind that had paralysed him for months so far as this question was concerned.

But if a calamity should be averted, what chance had the Bill in committee? The secret attitude of many of the Cabinet to that question was that so far as some of its clauses were concerned the less chance they had the better. The Bill was not of their begetting, it was only theirs by adoption. Durham had persuaded them a year ago that it was the measure for that troubled time. But for much of it there seemed to be now an easy way out. Their attitude is represented by Palmerston's words to Greville—'We have brought in a Bill which we have made as good as we can; it is for you to propose any alterations you wish to make in it, and, if you beat us, well and good.'[4]

That was not the attitude of Lord Grey, but even he was prepared if necessary to sacrifice Schedule B and all the new metropolitan boroughs but one, and to modify the £10 qualification.[5] If we compare for a moment the attitude

[1] Given in full in Le Marchant, pp. 407–13.
[2] See ibid., pp. 403–6 and p. 158, *ante*.
[3] Le Marchant, p. 404; *Times*, Mar. 19, 1832.
[4] Greville, ii. 60.
[5] *Correspondence of Earl Grey and William IV*, ii. 90; Greville, ii. 63, 70; Le Marchant, p. 410; Creevey Papers, 584.

described above with the feelings of Durham, Althorp, Russell, and Graham, we will understand how little assurance there was for the latter in statements to the effect that the creation of peers could be resorted to if necessary when the Bill was in committee. It has apparently escaped the attention of historians of the Reform Bill that the four men who threatened resignation at this time (including Russell, who threatened to join Durham in resignation *after* the decision) were the *makers* of the Bill. Three of them were members of the Reform Bill Committee (Duncannon, the only other member of the Committee was not in the Cabinet), and the other, Althorp, was the man whom they had consulted most in the framing of the measure.

After the Cabinet vote was taken Lord Durham announced that he would resign. A few hours later Althorp told him that 'the effect' of his resignation 'on the public mind would be such as to render the duration of the Government for any length of time impossible'. Next morning Russell went to him and told him that if he resigned he (Russell) would go out with him. The resignation of the two principal authors of the Reform Bill at the same time would have a most serious effect on the public mind and the whole political situation. Durham had actually written out his resignation, but he informed Grey later in the day that he had changed his mind. Before he did so, Palmerston promised him that he would stand by the £10 franchise, which he had consistently opposed up to this time; Goderich and Lansdowne had assured him that there would be no surrender on the question of the metropolitan boroughs; and he was informed that the whole Cabinet would agree to the creation of peers after the second reading if necessary.[1]

On the 23rd the Bill was through the Commons, and on the 26th it was read for the first time in the Lords. As the vote on the second reading approached, the greatest anxiety prevailed. Lord Holland calculated to a tie. Ellice, who was an expert in such matters, when asked what the chances were, threw up his glove and said, 'Just this'. No wonder Lady Grey was 'very nervous indeed', and Lady Holland said, 'Would that we could retrace our steps'.

[1] Howick MSS., Durham to Grey, Mar. 12, 1832; *Recollections*, iv. 198.

Lord Durham was not only working on his speech on the second reading, but also preparing to defend the 'whole bill' in Committee. His Radical friend, Colonel Leslie Grove Jones, wrote to Francis Place, whose prodigious research rendered him an ever-ready source of information:

> 'There is an honest man in the Cabinet who desires to do good. He is anxious to have details showing the state of the middle classes of the Metropolis as to Intelligence—Wealth—Industry —Scientific acquirements, &c., tending to further their claims to the representation given to them by the bill. Lists of Mechanics' Institutes and Scientific and Charitable Institutions —Schools—Libraries—State of Trade, its Value, Manufactories—Great Establishments, &c.'

Place remarked on this in his account of these days (which is still in manuscript): 'I had on some occasions several years before acted in public matters with Mr. Lambton. I had seen enough of him to satisfy me that he would go through with anything he undertook.' As for the material, 'I was pleased with the assurance that Lord Durham would do it justice in the Lords. I therefore set to work at once. Lord Durham had all along taken charge of the Bill which had been drawn principally by him and had attended to its progress with great care, diligence, and judgement'.[1] The fact of the aristocrat-hating Radical tailor of Charing Cross burning the midnight oil over material for Lord Durham's speeches in the House of Lords is not the least interesting feature of the fight for the Reform Bill.

The debate on the second reading ended with a tense all-night session, and the vote was taken at half-past six on the morning of the 14th of April. Durham spoke early in the evening, stating that he was too ill to defer his speech to a later hour. In a moment he was at the throat of the Bishop of Exeter—his old rival, Henry Phillpotts—who had insinuated that Durham had revealed to *The Times* the contents of a letter written to the Government by the Duke of Buckingham. He characterized the bishop's speech as 'an exhibition, my lords, on the part of a right reverend prelate, of which, I shall only say, that if coarse and virulent invective, malignant and false insinuations, and the grossest perversions of

[1] B.M. Add. MSS. 27792, ff. 44–5.

historical facts, decked out in all the choicest flowers of his well-known pamphleteering slang—' When the uproar following this remark had subsided, he briefly stated his case against the Bishop of Exeter and proceeded to discuss the Reform Bill:

'For a long time, the people acquiesced in the supremacy of the higher orders. Conscious of their own inability, on account of their want of education, to enjoy political privileges, they felt no jealousy of, and offered no opposition to, the monopoly of the higher orders. But, my lords, a great change has taken place within the last fifty years in the state of society. The two extremes have been gradually meeting, or rather one of them has been standing still, while the other has been rapidly advancing. It cannot be concealed that the middle classes have increased in skill, talent, political intelligence, and wealth, to such an extent, that they feel they are competent to the performance of higher duties. They thus naturally enough feel ambitious to be no longer excluded from political power; and the result of their continued exclusion must be a political convulsion, and necessarily a destructive one, for the unnatural compression of great power by insufficient means always leads not only to the annihilation of the feeble restraints by which it has been confined, but to the destruction of all that is within the range of its explosion. That the middle classes have a right to indulge this feeling, no one can deny. They are by no means such paupers as they are described by the noble duke opposite, the proprietor of St. Mawes. Their wealth doubles, ay, more than trebles, that of the higher orders. As for their intelligence —look at all the great towns in the empire—this Metropolis, Leeds, Manchester, Birmingham, Sheffield, Liverpool, Newcastle, Edinburgh, Glasgow, and many others—and by whom will you find the scientific institutions, all the literary societies, charities, in short, all associations tending to the advancement of the arts, literature, and science, and to the improvement of the human mind—by whom will you find them supported? —by whose example and whose purse maintained?—By the middle classes.

'The gentry living apart in the country, enjoy the luxuries and amusements and enjoyments of their class, without mixing in the pursuits of the inhabitants of the towns. Whenever they are brought into collision with them in public or political meetings, their superiority in learning or intellect is by no means apparent; on the contrary, I can assure the noble

baron opposite, that whatever opinions he may entertain with regard to the inferiority of intellect of the newly returned members, that if he were to attend any of the meetings of the middle classes which take place in large towns, and entered into a discussion with them on political or scientific subjects, he would have no reason to plume himself on his fancied superiority. My lords, this question is then naturally asked, is that a right and proper state of the constitution, which excludes from the possession of political power and privileges a large body of men possessed of talents and wealth merely because they are not included within a particular class endowed with privileges bestowed on them in different circumstances and different times? . . . I am also met by the declaration, made the other night by a right reverend bishop, that we are bound to leave the consequences to God. My lords, I say nothing of the impropriety of those constant appeals to that sacred name, especially from such a quarter, but I ask, is history to be forever a sealed book to noble lords opposite? Are its pages to be forever perverted by the reverend bishop? Do they not teem with instances of the folly and inutility of a resistance to the wishes of the people? And when the consequences have been left to Providence, has that resistance ever produced anything but a postponement of those wishes? Will any man tell me, that the revolution of 1641, the French revolution of 1789, and (as was well observed by a noble baron who spoke from the cross benches) the separation of the North American colonies, might not all have been averted by timely concession? [Durham's fondness for historical discussion carried him into a long treatment of these questions.] My lords, I repeat, therefore, when the consequences have been left to Providence, that the course of events has always been uniform. In the first instance, bigoted resistance to the claims of the people; in the second, bloody and protracted struggles; and finally, unlimited, disgraceful, and unavailing concessions. But, have those noble lords who talk of resistance, calculated the comparative amount of the forces which are engaged on each side. On the one hand, my lords, are arrayed the Crown, the House of Commons, and the people; on the other, not quite two hundred peers—if a majority, a bare one, of this House. Now, my lords, suppose that you succeed in rejecting this Bill a second time—and supposing that the people acquiesce quietly in your decision—will there be no punishment to noble lords, in the bitter separation which must take place between them and their fellow-countrymen? Are they prepared to live in

solitude, beseiged in their fortified mansions, and protected by troops of faithful, perhaps, but—if the hour of danger arrived—inefficient retainers? Will there be nothing in this state of things revolting to the feelings of a British Peer? And yet these are the most favourable circumstances which can follow the rejection of this Bill, my Lords. I see opposite to me many who I know pride themselves on their cordial intercourse with all around them in the country, whose presence there is welcomed by the congratulations of their neighbours in all ranks; will those noble lords receive with equal complacency the greetings they will have to encounter, after having destroyed the long and eagerly entertained wishes of their fellow-countrymen? [After dealing with some detail of the measure, he concluded with a quotation from Fox.] We risk our all on this Bill, all that is dear to us, all that men most value, character for integrity, honour of present reputation, and future fame. These ensured, whatever else is more precious to us, we stake on the constitutional safety, the enlarged policy, the equity and wisdom of this measure.'

The Bishop of Exeter rose to make an explanation. He had said that certain articles in *The Times* 'breathed the inspiration—not of the Treasury, because I acquitted the noble Lord at the head of it of any connexion with *The Times*, but of some high office of the Government'. (*The Times* had been bitterly attacking Lord Grey. The insinuation which the bishop makes against Lord Durham is obvious.) He had not meant to fix upon any individual in particular, 'but in my own mind I did think that the rumours respecting the noble baron [Durham] were not unlikely to be in some degree true'. This roused Grey, and after the Duke of Buckingham had made a brief statement, Lord Grey stated most emphatically that the information did not come from any member of the Cabinet:

'Now mark the charity of the right reverend prelate—I say mark his charity—mark what he did not think improbable!—that my noble friend near me, connected with me not only by bonds of office, but by the nearest, dearest, and closest ties of relationship, has been guilty not merely of fraud, but falsehood, and has secretly and insidiously furnished newspapers with the means of attack on the very government of which he is a member. If this be charity, if this be the charity of a Christian

bishop, I am much deceived in the true nature of that virtue. On this subject I have trespassed upon the patience of the House not willingly. I have been driven to it; my feelings have been strongly excited and I could not refrain from repelling an insinuation which I will not characterize further than by saying that I little expected it from any Lord, but least of all from one who sits upon that Bench.'

The Bishop of Exeter and Lord Londonderry then attempted to wriggle out of the position in which they had placed themselves.

With the resumption of the main debate on the Bill, Brougham and Lyndhurst spoke, and then Lord Grey, rising at five o'clock and speaking until half-past six, closed the debate.

'The lights had grown yellower and dimmer in the fresh daylight, the faces of the wearied legislators had appeared more and more haggard and heated; and at last, the slanting rays of the morning sun shone full upon the woolsack, as the keen eyes of the Chancellor shot their glances, as wakeful as ever, from under the great wig. The attendance of strangers was as full as it had been twelve hours before; for it was not a scene which men would miss for the sake of food and sleep.'[1]

The division resulted in a majority of nine for the Bill.

With such a small margin, it did not seem probable that the Bill could go through Committee without being seriously mutilated. But the people of England were resolved that it should not be mutilated. They were more than ever insistent on 'the Bill, the whole Bill, and nothing but the Bill'. Public meetings were held all over the country. Petitions were addressed to the King to create peers. Threats were made to withhold the payment of taxes until the Bill was passed 'unimpaired in all its great parts and provisions'.

At Birmingham a vast demonstration was planned for May 7, the day on which Parliament was to reassemble after the Easter recess. The declared object of the meeting was 'to assist the King and his patriotic ministers to accomplish their great measure of Reform forthwith and to carry it into law uninjured and unimpaired'. It was held in a great open

[1] Martineau, ii. 462.

space to the north of the city at the foot of Newhall Hill with the hustings at the lowest point, the ground sloping up from it in the form of a natural amphitheatre which was thronged with people to the most distant points of the horizon. The numbers were estimated at from 150,000 to 260,000, and it was unquestionably the largest meeting that had ever been held in England for a political object. Political Unions marched in from four neighbouring counties. There were 200 bands and from 700 to 1,000 banners.

Attwood in the opening speech referred to the complaints of the Lords that the people were attempting to intimidate them. 'Now God forbid that I should wish to intimidate them. I only wish to speak the plain and simple truth, which my duty impels me to speak and which is this—I would rather die than see the great Bill of Reform rejected or mutilated in any of its great parts or provisions.' At this point the throng broke into cheering so prolonged as to make it impossible to continue for some minutes. 'The people of England stand at this moment like greyhounds on the slip, and if our beloved King should give the word, or if this Council should give the word in his name, the greatest scene would be instantly exhibited that ever was witnessed on this earth before.' This may sound to-day like the exaggerated language of a demagogue, but no one who reads carefully the records of that time can doubt the grim sincerity of this man who for over a year had held the peace of England in his hand, because he had *not* given the word. Later in his speech he urged them not to allow themselves to be drawn into any act of violence. His hearers understood that there was no inconsistency in his words because it had been the constant policy of the Political Union to be ready for action when the necessity for it arrived but to scrupulously abstain from violence until that time came, and to hope that demonstration would achieve their ends.

Attwood stated that if the Whigs allowed the Bill to be mutilated they 'should be treated as the basest of tricksters'. The next speaker, Edmunds, took up this theme. 'He would tell his countrymen that they ought above all things to take care that they were not humbugged. Hitherto they had placed all confidence in the Minister, but he confessed that

latterly he began to feel some distrust. They had, however, Lord Durham connected with the Ministry. Few members of the Ministry had gone so far in support of the people.' The crowd gave three cheers for Lord Durham, the only cheers for an individual given at the meeting. 'If therefore from treachery, or from any other cause, the Bill was lost, he hoped the country would call on Lord Durham to take the seat of power.'

One of the speakers was Joseph Parkes, that remarkable Birmingham lawyer who was later to become one of the closest friends of Lord Durham and his most regular correspondent. Parkes had at first opposed the organization of the Political Unions, and his speech was all the more effective for that reason. Before that fateful month of May had ended he was to play a central role in the great drama. Parkes warned the House of Lords not to force the Reformers to civil war. He moved a resolution calling for the creation of new peers if any important provision of the Bill was injured in Committee. If that happened one of two things must follow—'more Lords—or none'. Referring to non-payment of taxes, he would not hold out any threats to the Lords, 'but he warned them that John Hampden dwells in the hearts of three-quarters of the inhabitants of this island'.

More impressive than any of the speeches or the singing of their familiar 'Union Hymn' was the administration of a covenant oath on behalf of a nation determined on the destruction of an ancient system and the establishment of popular government. 'I call upon you to repeat, with head uncovered, and in the face of Heaven and the God of justice and mercy, the following words after me.' And every man of those massed thousands bared his head and repeated, phrase by phrase, the words: 'With unbroken faith, through every peril and privation, we here devote ourselves and our children to our country's cause.' They sang 'God save the King', and quietly dispersed.[1]

A few hours later at Westminster the Government was defeated in the Lords by a majority of thirty-five, on Lord Lyndhurst's amendment that the enfranchising clauses be considered before the disfranchising ones. That was done in

[1] *Times*, May 9, 1832.

the face of Lord Grey's warning that it meant taking the conduct of the measure out of the hands of the Government. The Cabinet met next morning. Lord Grey's thought was immediate resignation without asking for the creation of peers, but Lord Durham and his 'violent party' had behind them now adequate popular pressure and the unquestionable fact that the necessity referred to in the King's promise had developed. The Cabinet decided to ask for the creation of a sufficient number of peers to pass the Bill in an efficient form through Committee, and to offer their resignations as an alternative. The Prime Minister and the Chancellor took this message to the sovereign. The King had been weakening —or strengthening—for some time and refused to create fifty peers, the number named by Grey. He had made a general promise which was clearly applicable to this situation. Some plausibility, however, was lent to his attempt to justify himself by the facts that he had specifically offered twenty-one, action had then been postponed, and a larger number had not been asked for. If Grey had in the first place boldly named the larger number that Durham had insisted on as being necessary, the situation at this juncture would have been quite clear.[1]

On the refusal of the King being communicated to Lord Grey on the morning of Tuesday the 8th, the Government gave notice of resignation. The King set about to find new ministers. First Lyndhurst was sent to spy out the land, and then Wellington was commissioned to attempt to form an administration. But in the meantime the King's Government had to be carried on and the seals were not given up. Lord Grey and his colleagues were still in office, administering their various departments. The King's instructions to Lyndhurst and Wellington included the understanding that the new government when formed was to carry through Parliament an extensive measure of Reform, though not so sweeping as the Reform Bill.[2] Wellington's sense of personal loyalty

[1] For a full discussion of this question see Butler, pp. 375–6.

[2] The historical student may be inclined to question the last phrase of the above which is not in conformity with the accounts given in the secondary works. It is true that there was some Whig correspondence which referred loosely to the Duke undertaking to pass 'the Bill, the whole Bill' &c. (Howick MSS., Holland to Grey, May 12, 13; *Recollections*, iv. 224).

to the King constrained him to save His Majesty from ministers who had offered him unconstitutional advice at the dictation of the mob. But Peel had refused to have anything to do with such a plan, and prospective ministers thought of Peel, the Whig House of Commons, the future of the party, their own futures, their anti-Reform consciences, the possibilities of popular rebellion, the great meeting at Birmingham, and the crowds who cursed the Duke and hissed the King and Queen.

In the meantime the Grey Ministry had regained the affection of the people, all sorts of Political Unions saw eye to eye as never before, and even Hunt and his extremists declared for Grey and the Bill. Business was suspended everywhere, political agitation absorbed the entire population of the island, resolutions and petitions by the hundred called on the Commons to withhold supplies and the people to refuse to pay taxes. When it was learned that Wellington was to introduce a reform bill it made little difference. It was not 'the whole Bill'. They had no confidence in Wellington, the mass of the people for the moment abhorred the very sound of his name, and all sorts of legends gained rapid currency to add to his unpopularity. Their leaders took the position voiced by Attwood, when he said that it was necessary in the interests of popular government in England that the Lords should be prevented from making and unmaking governments at the crisis of such a movement.

In Francis Place's tailor's shop a revolution was being planned—to begin the moment Wellington took office. Its principal organizers were Place and Joseph Parkes of Birmingham. Its nucleus consisted of delegates from the great provincial cities who had been sent to London immediately after the King's refusal to Grey. A large number of influential men were admitted to their secret conclaves, including

But the Tory Croker, in close touch with the negotiations throughout, is the authority in this matter, and the student is referred to Lyndhurst's report to Croker of the former's correspondence with the King (*Croker Papers*, ii. 155). It should also be noted that in Croker's conversations with Wellington and others, the phrases 'administration of moderate reformers' and 'moderate reform bill' were employed in this connexion (ibid. ii. 162, 163). Greville said 'nearly of the same dimensions', but he was not so close to the situation as Croker.

several men of wealth and a number of experienced military officers. While military action was to be suspended until the Duke took office, they aimed to employ economic methods in an attempt to prevent this. The people were to be enjoined to withdraw their money from the banks. Parkes and Place invented the legend, 'To Stop the Duke, Go for Gold', and early Sunday morning bill-posters put this up all over London. It was hoped that the embarrassment which this would cause would, combined with the refusal to pay taxes and possibly a Commons refusal to vote supplies, prevent Wellington from taking office. If he did so, the delegates were immediately to leave for their homes and in every large city of the kingdom a provisional government was to be set up, with the military control in the hands of revolutionary forces under commanders previously selected for the purpose. The economic methods of pressure were to be continued for a time, and then, if necessary, military action was to be taken to capture the national government. The part played by London was to cause just enough trouble to make it impossible for Wellington to move troops away from the metropolis for use against the revolutionary governments in the other cities.

Militia units throughout the country had already refused to support the Government if Wellington took office. Much would depend on the conduct of the regular troops, but even if they were willing to obey orders, Place was confident of success against them. He was perhaps too much influenced by the 'days of July' in France, but there was much to justify his confidence. Francis Place and Joseph Parkes were incomparably better organizers than the makers of most revolutions; the Political Unions had already developed great cohesion and power, had shown their capacity to control, and in this crisis thousands from all ranks of the middle and lower classes were joining them every day; the determination, courage, and devotion of millions could be relied upon; a large number were already in possession of arms; and the strength and disposal of the regular army was inadequate to a situation of this sort. Parkes and Place were confident of success against Wellington, but they were not so confident of their ability to prevent the development of chaotic

conditions which nobody could control. Seldom have the organizers of a revolution gone about their work with more sincere prayers that the revolution would not be necessary.

One important feature of their plan was the care with which they made sure that both the Government *de jure* and the Government in process of formation should be informed of their intentions and their power to carry them through. Place suspected that there were men present at his larger meetings who would inform Wellington and Grey. He took no measures to prevent this, and knew that the Government would not dare to arrest anybody. 'Had they seized and imprisoned the persons of respectable men on a charge of high treason, it would at once have caused an insurrection, a stoppage of trade and the circulation of paper-money, and thus have put an end to their power.' Place also employed Melbourne's private secretary to put him in touch with Colonel Napier, probably in the hope that the matter would be reported to Melbourne. He had some interesting conversations with Hobhouse, Lord Grey's Minister of War, in regard to the chances an attempt at insurrection would have against Wellington's government, being always careful to state that he considered such an insurrection undesirable. More open—though more general—means of advertisement were also employed. Speaking at a meeting in Regent's Park on Friday night (May 11), Colonel Jones, Lord Durham's correspondent, said that 'he had been at the head of some of the most desperate attacks during the late war, and he now declared that if a necessity arose he would again lead on his countrymen to glory in a cause which he should be more pleased with than any with which he had ever before been engaged'.[1]

On Sunday the tension reached its height. Rumours were current that Wellington was succeeding in forming an administration. The Bishop of Lichfield was mobbed in a London pulpit and with difficulty rescued from the angry crowd. In Birmingham the Scots Greys were confined to their barracks, rough-sharpening their swords, for the first

[1] See Wallas, pp. 301–7, who believes that Jones was 'ordered to be as seditious as possible'.

time since Waterloo, as the older soldiers gravely informed the younger. That night Joseph Parkes sought out Lord Durham and they were engaged in conversation until two o'clock in the morning. The fact that this was reported in a letter to Grote, immediately following information in regard to soldiers joining the Unions,[1] suggests that their conversation dealt with the proposed revolution. Parkes may have told Durham a good deal about his plans in the hope, and perhaps with the express understanding, that Durham would report it to Grey. Durham was still a minister of the Crown. As such he could not assist in planning an insurrection, but, on the other hand, he was bound to report to the Prime Minister any information he received in regard to it. Lord Grey in turn would probably feel under obligation to inform the King and perhaps the Duke of Wellington.

On Monday the people responded to the 'Go for Gold' appeal with a zest which, according to the historian of the Bank of England, 'spoke to those having authority with a power far exceeding the most brilliant oratory'.[2] That evening the prospective ministers (there were never enough of them to form a Cabinet) got a taste of the temper of the Commons, after which one of them, Baring, remarked that he 'would face a thousand devils rather than such a House of Commons'. The next morning—Tuesday the 15th—the Duke of Wellington informed the King that he could not form an administration. The various causes which contributed to that result have been indicated. It is difficult to believe that Wellington did not know of the detailed plan of revolutionary action which confronted him, and those who have stated that this would not have influenced him if he had known must surely have forgotten that speech on Catholic Emancipation in which he expressed his horror of civil war and his willingness to do anything to avoid it.

There was nothing for the King to do but to ask Lord Grey to carry on. The latter called the Cabinet together that afternoon. The news of the Duke's surrender spread through London town and was confirmed by an announcement in Parliament. The delegates returned to the great cities not

[1] Add. MSS. 27794, f. 10.

[2] See Sir John Francis, *History of the Bank of England*, ii. 67.

to give the signal for barricades and provisional governments, but to announce the news of victory. Parkes arrived at Birmingham at six in the morning, Attwood was dragged out of bed to hear the glad tidings, and after a riotous morning the citizens gathered in the afternoon at Newhall Hill for a meeting of thanksgiving, in which they expressed their 'gratitude to Almighty God for the escape which the nation has had from a most terrible revolution'.[1]

They soon learned that the situation was not yet clear, and Attwood was summoned to London. The King desired his ministers to continue in office but would not create peers. There was another impasse. The King tried to overcome it by ordering his private secretary to write to Wellington and a number of influential peers suggesting that they clear away all difficulties by announcing in Parliament their withdrawal of opposition to the Bill. But Wellington did not enjoy being dictated to any more than William IV, and in the Lords that night Lord Grey was astounded at hearing vigorous attacks rather than the expected announcements. The King was indignant. The Cabinet was more determined than ever. So were the people. Through Hobhouse, Secretary for War, Francis Place sent to the Cabinet meeting next day a detailed description of his plan of insurrection.[2] Grey and Brougham went to the King, and after one of the most anxious days ever experienced by Englishmen, Althorp announced in the Commons at five o'clock that the ministers had secured a sufficient guarantee to enable them to pass the Bill unimpaired, and that they would continue in office. The King's statement to his ministers was as follows: 'His Majesty authorizes Earl Grey, if any obstacle should arise during the further progress of the Bill, to submit to him a creation of peers to such extent as shall be necessary to enable him to carry the Bill.' Apparently without anybody's authorization, Sir Herbert Taylor acquainted influential Tory Lords with the precise nature of this communication. They absented themselves from the House in sufficient number to permit the passing of the Bill through committee

[1] *Times*, May 18, 1832.

[2] B.M. Add. MSS. 27794, f. 278. Quoted in Wallas, pp. 315–16, and Butler, p. 411.

unimpaired. The position which Lord Durham alone in the Cabinet had insisted on throughout was established. On June 7 he sat beside his friend the Lord Chancellor in the row of six commissioners who declared the Royal Assent to that Act of Parliament which ended the oligarchic age of English history and made possible the era of democracy—the measure in the preparation of which he had played the leading part and against the mutilation of which he had so valiantly contended.

As a young man of twenty-nine he had introduced a similar measure into Parliament with the support of a mere handful of Radicals. Now after eleven years his family motto had rung true, the day had come. But the victory was clouded by personal grief. His mother had died a few weeks before during that anxious Easter recess. His daughter Harriet was in the last stages of consumption, from which she died five days later. Sick in body and soul, he had made one of the ablest and clearest speeches of his career in committee in defence of that extended London representation which he had introduced into the Bill. At the same time he had written to Lord Grey: 'This once over and successfully, I shall then be able to say, "Now lettest thou thy servant depart in peace"; an event which, on all accounts, public and private, I long for with an intensity of feeling which I cannot describe in a letter.' [1] But there was to be no rest for him. Almost immediately he was asked to go to Russia on an important diplomatic mission in the interests of the settlement of the Belgian question.

For Grey also those had been days of personal heroism. His difficulties were the greatest of all—the King, his own appreciation, idealized perhaps, of all that was fine in that old aristocracy, the derision heaped upon him by men who trusted to his conservatism and were disappointed, his horror of unconstitutional action, his fine contempt for popular threats. He hesitated frequently, but his sense of public duty triumphed. The dissensions in his Cabinet were such that only he could have held it together. There were three future prime ministers in that Cabinet who governed England for many a year, but none of them could have suc-

[1] Howick MSS. dated 'May, Sunday morning'.

ceeded in that task. Brougham and Durham, who were more brilliant and more forceful than any of them, would have failed the most lamentably. Grey provided the leadership, Durham the insight and the driving power. Grey saved the monarchy and the aristocracy. Durham ushered in the middle class. Grey saw the new day dimly and feared it. Durham saw it clearly and welcomed it.

X

BELGIUM

While the Reform Bill was being won, Lord Durham was playing a prominent part in another crisis, one that threatened the peace of Europe for over two years, and out of which the independent kingdom of Belgium evolved. His connexion with the Belgian question was largely due to the fact that he was one of the most intimate friends of Prince Leopold of Saxe-Coburg, who became the first King of the Belgians.

Prince Leopold had married the Princess Charlotte, daughter of the Prince Regent (later George IV), in May 1816, and had remained in England after her death in the following year. His grief at the death of his wife was shared by a nation who mourned her as they did no other in the royal family for half a century. Much of her popularity accrued to him, and for his own sake he was better liked than any foreign prince who had come to England for some time. His more intimate associations were formed among the great Whig families. Of the early course of his friendship with Lord Durham we know little, but by 1830 the latter was, next to the faithful Stockmar, probably his most intimate friend. In the words of the Stockmar Memoirs, 'It was no secret that he (Prince Leopold) consulted Lord Durham especially in regard to all questions of importance'. That relationship also resulted in Lord Durham becoming, next to Leopold himself and Sir John Conroy, the principal adviser of the Prince's sister, the Duchess of Kent, mother of the Princess Victoria.

Leopold was handsome and amiable, ambitious, a man of extraordinary application and tenacity of purpose. Although imaginative and subject to a dash of romance at times, his feelings did not run very deep except on the great occasions. He was cool, collected, careful, a constant reader, and something of a student. 'History is the most important study for you' was his counsel to his niece, the future Queen of England. He knew men as well as he did nature and books, and was a splendid judge of character and capacity. He was not brilliant, and his mind was somewhat lacking in vigour. Mastery of any problem or situation came slowly. In manner he was dignified and at times somewhat heavy, though there

were flashes of dry humour and keen irony. He had a great fondness for the outward and visible signs of kingship, the pomp of power, but was not indifferent to the substance.

In 1830 the Powers concerned—Russia, France, and Great Britain—selected him for the throne of Greece. But George IV's consent had to be secured, and at first he refused to give it. The Iron Duke indicated that it must be done or His Majesty must find other ministers. The King seemed willing that the Government should go out if they could not agree with him that Leopold 'might go to the devil'. When Lord Aberdeen took the question to the King, the latter was so wrought up that the man who shaved him needed all his skill that morning to avoid cutting him badly, and, according to Ellenborough, he took a strong dose of laudanum to prepare himself for the interview.[1] When the Duke arrived he found his sovereign in bed, looking very ill. 'For the first hour the King was in a state of irritation and contemptuous indignation.' But in the end he surrendered.

Lord Durham acted as Leopold's confidential adviser during the latter part of his negotiations with the Powers, and when they finally broke down he wrote Leopold's carefully reasoned letter of resignation. During these Greek complications Leopold and Lord Aberdeen developed a strong natural antipathy. Constantly in his later letters to Lord Durham Leopold spoke in the bitterest terms of Aberdeen. All that the ministers were ready to concede to Leopold was that his final letter of resignation was very well written. Prince Lieven noted the fact that Leopold's earlier communications had been in French, but this one was written in English and by 'a more skilful pen'. Samuel Rogers asked Lord Aberdeen if he did not think this letter was well written. Aberdeen replied 'Damnably well', and proceeded to discuss the probable author. Was it Grey or Durham or Huskisson? Lord Durham told Hobhouse a few days later that he had written it.[2]

When Lord Aberdeen presented the Greek papers in the House of Lords (May 24), Lord Durham replied to him. Both

[1] Ellenborough's *Diary*, ii. 167.

[2] Stockmar, *Memoirs*, pp. 107 seqq.; Lambton MSS. The letter is printed in Juste, *Memoirs of Leopold I.*

on this occasion and in another speech on the 26th he frankly accused Aberdeen of unfairness to Leopold in his statements.

The Greek incident was closed, but within a few months Prince Leopold and Lord Durham were to be brought into the centre of one of the most serious crises in European history. The long peace which followed Waterloo was never so severely threatened as by the Belgian revolution of 1830. Following as it did on the heels of the July revolution in France, it indicated that an old order in Europe was breaking up, at the same time as the old order in England. The Belgian Revolution was nationalist in character, democratic in tone, and an open defiance of the settlement of 1815. For all these reasons Russia, Austria, and Prussia would have been glad enough to respond to the appeal of the King of Holland to assist him against his revolting subjects. But when the revolution broke, Prussia's hands were not free, and the other Powers hesitated in face of the fact that intervention on behalf of Holland would mean war with France. In the previous year the French minister Polignac had drawn up a cold-blooded plan for the French annexation of Belgium, with 'compensations' (which in the language of diplomacy means allowing another nation to take something it has no right to) for the other Powers in various parts of Europe. This was abandoned, but in the closing months of 1829 a French annexation of Belgium was freely discussed in Paris. In the crisis which had now developed, the Belgian envoy to London openly declared that if there was any intervention by outside Powers on behalf of the King of Holland the Belgians 'would throw themselves into the arms of a powerful neighbour'. The French people, intoxicated by the success of their revolution of July, would have welcomed the opportunity to revive the glories of the past and make the defence of the Belgians a *point d'appui* for a drive for the Rhine. The new government of Louis Philippe, however, did not share that enthusiasm.

In England the King, the Tories, a considerable body of Whig sentiment, the commercial interests and religious prejudice were all pro-Dutch. The union of Belgium and Holland, which had now been torn asunder, had been supported

by Great Britain in 1815 to check France, and more particularly to keep Belgium out of the hands of the ancient enemy. But the English Government was as desirous as that of France to find a peaceful solution. That was true even of Aberdeen in spite of his pessimistic feeling that war would probably come, and that in fighting France England would have the best of causes. If the matter had been left in his hands Aberdeen would probably have blundered into war, but he was saved by the wisdom of Peel until the Whigs came into power in November and the liberalism of Grey and Palmerston established itself at the Foreign Office. In the meantime, on the 5th of September, Talleyrand had arrived in London as the representative of Louis Philippe in the effort to establish an *entente* between the English and French governments in the interests of a peaceful settlement, and at the same time to prevent the re-establishment of the old order and secure as much for France as possible. Fortunately Russia, the country most likely to force the issue to the point of war, found herself confronted in November by the Polish insurrection, which tied her hands for the following ten months.

On November 4 the London Conference of the Five Powers —Great Britain, France, Russia, Austria, and Prussia—was convoked. It arranged an armistice between the King of Holland and his revolted Belgian subjects. On November 10 the Belgian National Congress met, and within the next two weeks declared for independence, a monarchical form of government, and the exclusion of the House of Orange-Nassau from the throne. On December 20 the London Conference decided to make arrangements for the future independence of Belgium. These arrangements were destined to precipitate a series of crises each of which might easily have led to war. In a protocol of January 20, 1831, the Conference assigned to Holland her boundary of 1790 and to the new kingdom of Belgium the rest of the Netherlands except Luxemburg, which was a personal holding of the King of Holland; and declared the perpetual neutrality of Belgium 'as well as the integrity and inviolability of its territory'. In another, of January 27, it fixed the proportion of the old Dutch debt to be borne by Belgium and declared that no

King of Belgium would be recognized who did not accept these two protocols.

The Belgian Congress rejected these terms with indignation. The inhabitants of Luxemburg and Limburg had joined them in the revolution, and they sought to incorporate them in the new state. The idea of perpetual neutrality was as distasteful to the Belgians as it was serviceable to the interests of Great Britain and other Powers. The proportions of the debt assignment were considered to be extremely unjust. The Congress on February 3 elected the Duke of Nemours, the son of Louis Philippe, King of the Belgians. To the other Powers this looked like another way of Belgium throwing itself into the arms of France. Great Britain especially was determined that no son of a French king should hold what the greatest of French conquerors had described as a potential dagger aimed at the heart of England. Palmerston in letters to the British ambassador at Paris talked war in a style that was blunt but effective.[1] On the 17th Louis Philippe refused the offer of the crown to the Duke of Nemours, giving as his reason that an acceptance would cause a war between Great Britain and France. It was now clear that the first King of the Belgians would have to be a prince acceptable to both these countries. At an earlier stage France had suggested Prince Leopold, and his popularity with the English people and friendship with the Whig leaders, especially Durham and Grey, were factors of the greatest importance. A marriage between Prince Leopold and a French princess had been suggested. As in the Greek affair Leopold again turned to Durham for advice. On the eve of the arrival from London of delegates from Brussels to sound him out, he wrote to Durham: 'My prayer is that you, who have of late had more to do about constitutions than any man, would also give this Belgian constitution a moment's attention.' [2]

Three days later Prince Leopold informed the delegates from Brussels that he would accept the crown only after the new state had agreed with the Powers on the territorial and financial questions. This position was probably taken at

[1] The letters are given in Dalling, *Life of Palmerston*, ii. 35–7.
[2] Lambton MSS., Apr. 19, 1831.

the instance of Lord Durham and Baron Stockmar, who were Leopold's constant advisers throughout this and the following year. They recommended Leopold's adherence to the new Belgium constitution, which he made without reserve. It was modelled on that of England and became on its adoption the most democratic constitution in Europe.[1]

The Belgians persisted in their opposition to the terms of the protocols, and Palmerston threatened to withdraw his representative from Belgium if they did not accede before June 1. They successfully sparred for time, however, and on June 4 elected Leopold King of the Belgians. Three days later Leopold wrote to Lord Durham: 'You will be kind enough to recollect that I begged you would turn in your mind what answer one ought to give to these Belgians. . . . They probably will arrive to-morrow.'[2] The answer which Leopold gave was practically an offer to mediate between the Belgians and the Powers. As a result of this mediation, the London Conference on June 26 made a new arrangement embodied in Eighteen Articles. The debt was reproportioned in a manner favourable to Belgium and the territorial question was left open for future negotiation. On July 9 the Belgian Congress ratified the Articles, on the 17th Leopold entered Belgium, and on the 21st took the oath to the new constitution.

It was now the King of Holland's turn to exhibit indignation. Protests proving vain, he made a surprise attack on Belgium (August 2). He probably counted on French intervention and knew he was risking a European war, but believed that any outcome would be preferable to the Eighteen Articles. If they could defeat the Belgians up to the point when French intervention became effective, the Dutch would substantially improve their bargaining position with the Conference.

On the day of the attack (August 2, 1831) King Leopold wrote to Lord Durham from Liège:

> 'I sent you Seton that you might pour into his ear all you would perhaps not write. You know how well everything is going on here and the government settled in a wonderful short time. Judge then of my astonishment this very hour when I receive

[1] See Stockmar, pp. 153–7.

[2] Lambton MSS.

the news from Antwerp that Gen. Chassé means to begin hostilities. . . . You will recollect the understanding on which alone I accepted this crown. I have then a right to claim the immediate protection of the 5 Powers but more particularly of the British Government. You may by quickly sending a fleet to the Scheldt and the coast of Holland put a stop to the warlike spirit of my neighbour. The moral effect even of a few frigates will be very great. If you consider the immense importance of this present crisis I trust you will press the Government to act quickly. . . . The Conference declared that the party which would first break the armistice would expose itself to all the consequences, and the Powers promised most distinctly their protection to the party so attacked. I now claim this armed intervention. . . . Read my letter to Ld. Grey as I have no time to repeat everything.[1] Show your valour and give a touch to all these charming people.'[2]

A British fleet under Codrington was immediately ordered to the Downs (where it arrived on the 7th), to be ready for action if called for. But it did not enter the Scheldt. Baron Stockmar wrote Lord Durham two long accounts of the fighting in Belgium.[3]

Necessary as it had been to the salvation of Belgium, the presence of a French army in that country produced anxiety in England which was increased when the French showed a disposition to stay where they were, apparently to enable them to bargain for the demolition of the border fortresses. The unconditional withdrawal of the French army from Belgium appeared to be a vital necessity for a government attempting to pass the Reform Bill through the Lords. But the French government had placed itself in a position where it seemed equally necessary to satisfy the French public sentiment by securing concessions before they withdrew. The Belgian fortresses on the French frontier had been built after 1815 to protect Europe in general, and Belgium in particular, against the French. The Duke of Wellington had planned and executed the undertaking, and a large amount of good English money had gone into their construction. The Conference, however, after it had declared the perpetual

[1] On the same day King Leopold wrote a shorter letter to Lord Grey, part of which is given in *Cambridge History of British Foreign Policy*, ii. 143.
[2] Lambton MSS. [3] Lambton MSS., Aug. 9, 16, 1831.

neutrality of Belgium, decided that the fortresses were not so necessary as they had been. Recognizing that France should not be a party to such an arrangement, the other four Conference Powers drew up a protocol on April 17 (kept secret until July 14), according to which some of the fortresses were to be destroyed. They took this action largely because they feared that the maintenance of all the fortresses at efficient strength would prove to be impossible for Belgium, and since a failure to do so would make the fortresses more of a handicap than an advantage in case of a French attack, it was better that some of them should be destroyed.[1] Unable, however, to give this reason to the French, they took advantage of the situation to represent their action as a compliment to her. Talleyrand, who had mentioned the matter of these fortresses to Palmerston early in April, claimed credit for forcing the transaction and encouraged Louis Philippe to make a bid for the applause of the French populace by theatrically declaring on July 28 that 'the fortresses which had been built as a threat to France and not with a view of defending Belgium would be dismantled'. When a French army occupied Belgium a few weeks later, the French government felt constrained to follow up this fine political game by attempting to secure first from Leopold and then from the Powers an immediate order for the demolition of certain specified fortresses. With characteristic responsiveness to English public opinion and straightforward approach to the heart of the question, Palmerston wrote to his ambassador in Paris: 'If they want only dramatic effect that may suit them but it does not suit us; and the other Powers of Europe will not submit to humiliation to gain a few votes for the Périer administration. . . . We fully mean to dismantle many of these Belgian fortresses; but we will never endure that France should dictate to us in this matter at the point of the bayonet.'[2] 'One thing is certain—the French must go out of Belgium, or we have a general war, and war in a given number of days.'[3] Palmerston frequently sent his frankest letters to Granville through the

[1] See Dalling, ii. 64, Palmerston to Granville, Apr. 12, 1831.
[2] Dalling, ii. 107, Palmerston to Granville, Aug. 17, 1831.
[3] Ibid. ii. 109. Another letter of the same date.

French Foreign Office in the full assurance that they would be opened, read, and closed again before they reached their destination. One wonders whether these two were sent in that manner.

Leopold felt that in this game of vote-catching Belgian interests were the last to be considered. He wrote to Durham, August 24:

> 'As long as the Dutch have not disbanded the great part of their army, the Belgians think that the sudden and entire evacuation of the French would naturally invite a second invasion of the Dutch. . . .
>
> 'The jealousy created in England by the *sejour* in Belgium I do not complain of. I see on what it rests and is good [*sic*] and excellent in some other respects. But still on the whole it is carried too far. . . .
>
> 'I cannot conclude without recommending to your attention, to your energy and friendship for me, the town of Antwerp. As long as the Dutch hold the citadel, these poor people can never breathe fully, and the free navigation of the Scheldt, guaranteed by the Conference, is consequently a farce.'[1]

Durham urged on Palmerston as vigorously as possible Leopold's need of protection, and supported Palmerston's position with Leopold in the matter of the fortresses. Leopold abandoned his independent negotiations with France, but promised the latter that he 'would take measures, in concert with the four Powers at whose expense the fortresses were chiefly built, for the speedy dismantlement of Charleroi, Mons, Tournay, Ath, and Menin'.[2] Palmerston succeeded in getting the main body of the French army out of Belgium, but a small force was retained for the protection of Leopold.

Holland, after her defeat of the Belgians, took advantage of her enhanced prestige to press for a revision of the terms of separation. On October 15 the London Conference agreed to Twenty-four Articles, which were to be 'final and irrevocable'. Maestricht and a large part of Limburg were to go to Holland, while Luxemburg was to be divided, the western part going to Belgium. Another rearrangement of the debt was made, this time unfavourable to Belgium, while

[1] Lambton MSS. The Dutch had never lost the citadel. As will be seen, they were dislodged as a result of Durham's efforts in December of the following year.

[2] See Stockmar, i. 215 seqq.

the freedom of navigation of the Scheldt below Antwerp was to be hampered by the payment of dues to Holland.

This accentuated a sad state of affairs in Belgium, where the people, chagrined and broken by the experiences of August, torn asunder by all sorts of angry dissension, became more embittered than ever toward one another and all parties concerned. King Leopold was sick of the whole business, and there were rumours of his abdication, an event which might well have plunged Belgium into anarchy and Europe into a general war. In this situation Leopold felt the need of Durham's presence at his side, and he turned to the stricken man at Sudbroke Park, half crazed with grief at the death of 'Master Lambton' two weeks before the passing of the Articles. In a letter of condolence he invited him to come to Brussels. 'Your visit would give me the assistance of the truest friend I have, and to you the change of air and scene could not be but favourable.'[1] Durham replied: 'I will come to Brussels, and if the result of my visit should prove of the slightest advantage to your Majesty I should feel what little consolation my present circumstances would admit of. To few in this world do I entertain the same feelings of attachment as to your Majesty, and there is no effort or exertion of mine which I would not cheerfully make in your Majesty's service. . . .'[2]

So it became the task of the man who a few days before had written: 'I feel that I have done with public life for ever' and 'One long wretched day succeeds the other, from the miseries of which laudanum affords the only relief', to persuade King Leopold that the peace of Europe and the future independence of Belgium depended upon his retention of the throne and acceptance of the Twenty-four Articles. Among other things Durham, no doubt, informed or reminded Leopold that while the French army was in Belgium Talleyrand had suggested to Palmerston a partitioning of Belgium among the Powers that would have been as heartless and humiliating as that of Poland, that Prussia was suspected of intrigue in the same direction, that the bulk of British sentiment was still pro-Dutch rather than pro-Belgian, and that Russia, the Polish insurrection now suppressed and her hands freed,

[1] Lambton MSS., Oct. 20, 1831. [2] Ibid., Oct. 23, 1831.

was most friendly to Holland, and anxious to make trouble between Great Britain and France. And whatever Leopold himself might think about the unfairness of the test, nobody else, and least of all the Belgians, had any confidence, since the events of August, in the ability of Belgium to stand up to Holland if those desirous of European peace accepted the suggestion that had been contemplated more than once—the Powers to keep the ring and Holland and Belgium to fight it out. If France fought for Belgium in a European war the latter would be the greatest sufferer, and there could be no comfort in the thought of the way she would be disposed of, whichever side won. In such a situation what chance had Belgian independence if Belgium refused a settlement which, though unfavourable to her but not extremely so, had been unanimously agreed to by the Powers? Few men could analyse a situation and describe and justify a solution so clearly and persuasively as Durham. As for courage, though Leopold was never lacking in it, if he could see his duty clearly, he must have found an added inspiration in this broken man labouring so forcefully at his side.

The King decided to retain his throne and make every effort to secure the acceptance of the Articles. With a mercurial populace and warring politicians it was an uncertain fight, but his influence prevailed ultimately, and the vote in the Chamber was 59 to 38 in favour of the settlement. The Senate adopted the Articles, November 3, and on the same day Durham wrote to Grey:

> 'There remains only the King's *acte d'adhésion*. He had drawn it up in a way that would have embroiled the whole business again. He had given a qualified acceptance under certain reserves. Fortunately he showed it to me for my advice before it was adopted by the council and I have persuaded him not to send it. . . . He will send his simple acceptance of the treaty in compliance with the orders of the Conference, lamenting, of course, the necessity which obliges him to abandon those who have been engaged in the same cause.'[1]

The points on which he had intended to express reservation would be stated in a separate note. Durham, in concluding

[1] The inhabitants of the parts of Limburg and Luxemburg to be retained under Dutch rule.

his letter, urged upon Grey that the British government must now insist upon the recognition of Leopold by Austria, Russia, and Prussia.[1]

He followed this up by letters to Lord Grey on the 8th and 11th. In the former he stated that factories were closed up and a great deal of confusion prevailed because of the lack of recognition. The people were afraid of the restoration of the House of Nassau. On the 11th Durham wrote: 'I was very glad to find by your letter that you had desired Palmerston to press the *immediate* recognition of Leopold.'[2]

On November 15 Belgium and the five Powers signed a treaty on the basis of the Twenty-four Articles. The ratifications of the respective Governments were to be exchanged before January 15. On November 19 King Leopold wrote to Durham: 'Receive once more my sincere thanks for all your good offices on this occasion which have here and in London greatly contributed to bring this great European concern to a close. The greater the anxiety was the greater was also the satisfaction of the Belgians when they heard last night the arrival of the treaty.'[3]

Lord and Lady Durham visited Paris before returning to England. Durham discussed the Belgian question with the French government. Greville, who recorded with gusto every criticism of Lord Durham, wrote on December 4: 'Dined with Talleyrand yesterday. He complained to me of Durham's return, and of "*sa funeste influence sur* Lord Grey"; that because he had been at Brussels, and at Paris, he fancied nobody but himself knew anything of foreign affairs.'[4] Durham's methods were as direct as Talleyrand's were tortuous, and although they were both working for peace, Durham's efforts were aimed at the salvation of Belgium, while nothing would have pleased Talleyrand better than its extinction. According to Creevey, Durham's pride had taken umbrage a year before this at Talleyrand's showing no desire to meet him in the two months between his arrival in London and Durham's taking office, and Durham had refused to meet him afterwards.[5] Talleyrand's antipathy to Durham is reflected in the diary of his niece, the Duchess de Dino.

[1] Howick MSS. [2] Ibid. [3] Lambton MSS.
[4] Greville, ii. 31. [5] Creevey Papers, 559.

On December 14 a convention was signed by the Conference Powers providing for the demolition of the fortresses of Menin, Ath, Mons, Philippeville, and Marienburg. The substitution of the last two for Tournay and Charleroi, which had been named by Leopold, gave such umbrage to France that again the war clouds gathered about the Channel. The reason for this was not, as has been so frequently assumed, that Charleroi and Tournay were stronger than Marienburg and Philippeville. Nor can it be explained entirely by France's jealousy of four of the five guaranteeing powers making an arrangement to the exclusion of France in a manner that was painfully reminiscent of 1815. Leopold and Stockmar, in their letters to Durham, stated that France resented the substitution because whereas the other fortresses were constructed against her after 1815, Marienburg and Philippeville had been French possessions. (They had been ceded to Belgium in the second treaty of Paris.) This was largely a matter of pride, but it may be suspected that the new arrangement also meant for France the destruction of fondly cherished hopes of recovering some day these ancient French fortresses. Talleyrand had already suggested their re-cession to France, and although it had been refused the French had been patiently hopeful. Certainly an ugly political situation was created for the Périer government. From December 17 to January 18 King Leopold wrote to Lord Durham a series of letters, urging him to secure a modification of the fortress clause.[1]

There was no compromise on Marienburg and Philippeville, but a declaration proposed by Van de Weyer, the Belgian delegate, was accepted by the Conference on January 23. It stated that the stipulations of the convention of December 14 should be understood only under the reservation of the full and entire sovereignty of the King of the Belgians over the fortresses indicated therein, and those equal rights guaranteed to him by all the five Powers. This took much of the sting out of the convention for France. It could be interpreted as making the demolition of Marienburg and Philippeville the work of Belgium rather than of the victors of 1815, and it was such a full recognition of the equal rights

[1] Lambton MSS.

of France to negotiate with an independent Belgium that it was almost an apology in form while the convention was retained in fact. It was such a concession to French pride that there were celebrations in Paris and a special vote of thanks to Van de Weyer. Great Britain was equally satisfied. The whole incident illustrates the differing characteristics of the two peoples. Probably neither understood why the other should be satisfied.

Having composed their differences, Great Britain and France ratified the main Belgian treaty on January 31, the date to which an extension had been made. The other Powers asked for a further extension of time. They all desired to see Belgium under the King of Holland for both practical and theoretical reasons. The sovereigns of Russia and Prussia were related by marriage to that ruler. Prussia at least, and possibly Austria, would have welcomed a partition of Belgium. Russia longed for some opportunity to drive a wedge between Great Britain and France. The fortress question had failed to do that, but something else might. All of these governments were powerless in the face of a solid *entente* between England and France. They were clearly waiting for some new development. Stockmar wrote long and frequent letters to Leopold urging that monarch to do everything to hold the Belgians back from an impatient attack on the Dutch. He could rely on Grey. Leopold knew that he could rely on Grey, but the following letters to Durham show that he had no reliance whatever on Wellington and Aberdeen, and that for Leopold the fate of Belgium was bound up with that of the English Reform Bill. Was the fall of Grey and the accession of Wellington and Aberdeen the new development that the 'three Powers' were waiting for?

Leopold wrote to Durham, February 14 (1832):

> 'This business of the ratifications of the three Powers is a most shameful breach of faith. I hardly recollect in history a more *disgraceful transaction*. . . . The people here get very naturally extremely uneasy and impatient with this state of suspense. . . . I believe that the mainspring of the conduct of the three courts is the flattering hope that Ld. Grey's Administration will be upset or that he will die, or in short something that will bring in Ld. Aberdeen & Co. I trust in God all their amiable hopes

will be disappointed and that you will prosper and vanquish your enemies. Have the kindness to express to Lord Grey my gratitude for his valiant defence of all our affairs.'[1]

In a letter to Durham on February 21 he repeated these sentiments. 'I have to thank you for an extremely interesting letter, which has pacified my apprehensions concerning home affairs. . . . The three courts, who ought to name Aberdeen their joint plenipotentiary, wait for your turn out of office. . . . Here people are more patient than I expected, still everything remains in suspense and uncertainty till the three courts have recognized us.'[2]

On April 14 the English Reform Bill passed its second reading in the House of Lords and the Grey Government seemed to have won through. On the 18th Prussia and Austria ratified the Belgium treaty. On May 4, while things still looked bright for Grey and three days before the success of the Lyndhurst amendment produced another crisis in England, Russia gave its ratification, accompanied by important reservations.

On hearing that the Duke of Wellington had failed to form a ministry, and that the Whigs were carrying on, Leopold wrote to Durham:

'Thousand thanks for your two kind letters and your *having thought of me in moments full of anxiety and peril*. . . . God be praised that the news I received last night will now, I hope so at least, turn my sorrow and apprehension into joy and thanksgiving. It will, I trust, not be taken as a want of proper respect towards the government when I say that the Lord has been strong in his servants. This does not hit you. You foretold me months ago what would be the consequence of Lord Grey's confidence in rogues. I beseeched him in February not to believe others as honourable as himself. Heaven, by its goodness to old England, has, however, given Lord Grey and his friends a triumph and a degree of power which nothing on earth short of his resignation could have given. I hope that now, powerful at home and abroad, the government will also end our eternal business, in which I am sorry to confess with all my sincere friendship for Palmerston he has constantly permitted himself and me to be duped by that scoundrel Matuscewitz. [The Russian plenipotentiary at the London Conference.] . . .'[3]

[1] Lambton MSS. [2] Ibid. [3] Lambton MSS., May 18, 1832.

One part of the Belgian difficulty still remained. Holland had refused to accept the Twenty-four Articles, and the other parties concerned had been obliged to make their treaty without her. Holland still held the citadel of Antwerp, a constant embarrassment and menace to the Belgians. Its evacuation was an important element in the enforcement of the treaty, and the Dutch refused to give it up. It was suspected that the inspiration for this resistance came largely from Russia, who refused to have anything to do with enforcing the treaty against the Dutch. Under these conditions the British Government felt the need of a closer touch with the Czar. This was all the greater because Lord Heytesbury was resigning his ambassadorship at St. Petersburg. A special mission to Russia was contemplated. By his thorough knowledge of the question and his close association with its history Lord Durham was marked out for this task. The story of the mission suggests other reasons why Lord Grey believed that Durham could make a particularly effective appeal to the Czar at this juncture.

It should be borne in mind that Grey and Palmerston, who bore the brunt of the diplomacy, must be given the main credit for the Belgian settlement. Grey initiated the main lines of policy, and his advice and experience were invaluable to Palmerston in what was one of the greatest triumphs of the latter's tenure of the Foreign Office. But Durham's friendship with Leopold, his persistent interest, his clearness of vision, and, as will be seen in the following chapter, his masterly analysis in regard to the last necessary action were vital elements in the settlement.

XI

RUSSIA AND BELGIUM

For the second time within a year Lord Durham was called upon in the midst of severe bereavement to render important services in connexion with the Belgian settlement. His mother had died on April 21 and his daughter, Lady Harriet Lambton, on May 30. On June 12, five days after the enactment of the Reform Bill, he had written to Lord Grey:

> 'I am in despair. In eight months I have lost son, mother, and daughter. When and where is it to end? I shudder to think which is to be the next victim. I have borne up as long as I could, and, with exertions hardly to be described have gone through all the turmoil and agitation of public life. I have lost one—and such a child—and with the certain fate of another hanging over me, I can struggle no longer. I cannot express these feelings without telling you, what she will not let me tell her, that Louisa's devoted and unwearied attention to my poor angel has been such from the first, as the fondest mother would have paid.[1] No language can express my gratitude to her. How my poor child adored her!'[2]

Ten days after this came the appeal of the Government to undertake the special mission to Russia. When Leopold heard of this he wrote to Durham immediately:

> 'No one could have had my confidence more completely than you possess it, in no one's hands could I have been more safely placed than in yours. Now let me just tell you a few observations concerning the Russian Court. I believe the Emperor an honourable man. I even think that considering his station he is not so illiberal as might reasonably be expected, but he is now I believe a thorough going anti-reformer. The French, Belgian, and Polish revolutions, the liberty or perhaps the licentiousness of the press, have made a most unfavourable impression upon him. I believe that he equally hates the English Reform and *those* who promoted it. . . . That you personally have been blackened by the Lievens and that little Matuscewitz is most probable as a pernicious reformer, and this makes me wish that you might be able to show the Emperor

[1] Lady Harriet was the daughter of Lord Durham's first wife.
[2] Lambton MSS. Given in Reid, i. 299.

the real meaning of the reform. He is sufficiently sensible to digest at least part of it.'[1]

On the same day that Leopold was warning Durham that he had probably 'been blackened by the Lievens . . . as a most pernicious Reformer', that remarkably clever woman, the Princess Lieven, wife of the Russian Ambassador in London, and *première intrigante* of the Russian *corps diplomatique*, was writing two letters to Russia giving advance information in regard to Lord Durham. One was to Count Nesselrode, the Foreign Minister, the other to her brother, General Benckendorff. The latter ran as follows:

'I have written so much to-day that I have only strength enough left to ask you to read my letter to Count Nesselrode, in which I have exhausted myself on the subject of Lord Durham. I do not hesitate to say that his mission torments me, for I foresee what unpleasant thoughts the name will suggest to you. [Because of his association with the Reform Bill and his championing of the Poles.] To say, however, that I augur well of the results of this embassy would be premature, more especially as these consequences depend wholly upon the Emperor's will and pleasure. But of this there is no doubt, if he wishes he may, through Lord Durham, direct the policy of the English Cabinet. Let only the Emperor accord him half the attention which met Orloff here, and he is ours, both by conviction and inclination, and for the moment he governs England. . . . The ostensible motive of his journey is health—and nothing more.

'The man's vanity is proverbial; he is the haughtiest aristocrat. Only yesterday he assured me that he traced his descent from the kings of England! He insisted upon being made Lord Privy Seal in the Ministry, because this post gave him precedence over all English Dukes—and in such puerilities he takes real delight. Here he is cordially and universally disliked. The King in speaking of him never alludes to him otherwise than as "Robert le Diable". Yesterday, with a big sigh of relief, he said to me: "Thank God, we've got rid of him for some months". "That 's all very well, Sire, but why should it be at our expense?" "Well Madame, take my word, this may be turned to good account; he has so much vanity that he will make up his mind to please and to succeed, and with very small marks of attention you will gain him over, and this

[1] Lambton MSS., June 29, 1832.

will be most fortunate for both Empires." This is the exact truth.

'In any case, my dear Alexander, I entreat you to show every politeness in the form of a visit at least to Lord and Lady Durham. Lord Grey has scarcely a thought for any one but this daughter.'[1]

The above letter is given as part of Durham's introduction to the Russian Court rather than because of its accuracy. Far from insisting on being made Privy Seal, Durham had been very much disappointed at not getting the Foreign Office or an equally important post. It is difficult to understand why the anti-Russian William IV should be pleased with the prospect of the Emperor's 'gaining over' Lord Durham. Nor did he possess finesse enough to deceive or even attempt to deceive the Princess Lieven in that respect. The term 'universally disliked' is somewhat exaggerated in its application to a man who had as many hero-worshippers as Lord Durham. But the Princess was thinking, probably, of the principal Whig and Tory leaders, and most of them disliked Durham. The description appears to represent substantially enough the impression made by Durham on Mme. de Lieven.

General Benckendorff, who kept his letters, probably showed to the Emperor, or Count Nesselrode, what Princess Lieven had written about Durham in June 1831. 'I am always on the best terms with him [Lord Grey]; I shall see him to-day; he listens when I am speaking, but it only lasts twenty-four hours, for then his accursed son-in-law, Lord Durham, comes along, and carries him off, and he becomes either a Jacobin or a child as it suits the other'. In the same letter she had described him as a 'Pole enragé'.[2]

Durham's instructions afford a splendid summary of Lord Palmerston's policies at this time; we shall refer to them briefly in connexion with each phase of Durham's work after he reached Russia.[3] Lord and Lady Durham left England on July 4 and reached Cronstadt on the 16th. On the following day the Emperor arrived there to inspect the fleet. He

[1] Lieven Letters, 327–9.

[2] Ibid., 305.

[3] F.O. (Foreign Office Papers in Public Record Office) Russia, 65: 200, Palmerston to Durham, No. 2, July 3, 1832.

immediately sent an officer to invite them to visit him on board his yacht. There the conversation took a political turn and the affairs of Belgium were alluded to. The Emperor said that on account of the peculiar position he occupied with regard to the King of Holland he could not be induced to apply force to compel him to evacuate Antwerp. But he was much offended at the conduct of that sovereign, and considered that it was liable to the charge of bad faith. He had done everything in his power to persuade him to change his course and he could do nothing more. 'He seemed much alarmed', Durham wrote to Palmerston, 'at the notion of a French army again entering Belgium, and pressed on me, with the greatest earnestness, the propriety of our occupying Antwerp and garrisoning it with British troops.' He had no confidence in the stability of present institutions in France, and the occupation of Antwerp might be very useful to the British. Durham suggested that the best way to keep the French out was united action on the part of the Powers forming the Conference. 'As long as Russia held back, the King of Holland would still entertain hopes of assistance from that quarter.' The Emperor said that such assistance was out of the question. Durham suggested a demonstration by the three maritime Powers. There was also some discussion of the political situation in England.[1]

Thus began that strange friendship between the most autocratic of European sovereigns and the most democratic of English ministers which lasted so long, and had such an important bearing on the relations between two governments, in which up to this time there had been little but misunderstanding. Russia had everything to gain from English friendship, and the Czar set out to win the minister who had the greatest influence with the head of the administration. It had been hinted to him that special marks of attention would be desirable, and Lord Durham was designedly afforded the satisfaction of feeling that he was not as other representatives of foreign nations at the Court of the Czar. But what was begun in that manner developed quickly into a very real friendship.

[1] Lambton MSS., Durham's Diary of this mission; F.O. 65: 200, Durham to Palmerston, No. 2, July 18, 1832.

There is little to be learned of Lord and Lady Durham's experiences in Russia in this summer of 1832 except in the matter of the former's diplomatic conversations with Nicholas and Nesselrode. For the sake of a clearer presentation the problems connected with each country will be considered separately.

The Belgian question afforded the main purpose of the mission. Durham showed Nesselrode that part of his instructions which related to Belgium, in which Palmerston indicated the determination of Great Britain that the treaty should be executed and the advantages to the whole European situation of Russia's co-operation.

Durham disapproved strongly of the efforts being made by the Conference to induce Holland and Belgium to agree to some modification of the terms of separation. He was convinced that Holland had no intention of coming to terms, and that such proposals were utilized to maintain a vicious circle of delay. He told both Palmerston and Grey that they could expect no support from Russia so long as they kept making proposals to Holland. Russia's friendship to Holland prompted her to give the Dutch every chance to play their game. They must stop proposals and show that they meant business. Then, while Russia might not co-operate in the enforcement of the treaty, she would not, he assured them, oppose it. He wrote to Grey: 'Disagreeable as the proceeding will be, you will have to come to force at last.' It was better to do so now than to take chances with the future.

> 'The great difficulty in getting them [the Russians] to act with us in the matter of force in the Belgian business, arises, as you may well imagine, from the family ties and domestic influence which surround the Emperor on all sides. I am certain that he thinks force ought to be used if necessary, and will be glad when it has produced its effect, but wishes to avoid the odium of himself outraging the feelings of his relations and connexions.'[1]

On this question of force Nesselrode baited a trap for Durham. He proposed to Durham that he (Nesselrode) should communicate to Holland the Emperor's suggestion that

[1] Howick MSS. (copy in Lambton MSS.), Durham to Grey, Aug. 2, 1832; F.O. 65: 200, Durham to Palmerston, No. 5, July 27, 1832.

Great Britain should occupy Antwerp.[1] Nesselrode would have been glad to see Great Britain occupy Antwerp and stay there, but in any case it would be a splendid stroke to suggest an English occupation to the Dutch Government with the apparent consent of the special envoy of Great Britain. That news would prove most interesting to France, and a fine train of embarrassment might be placed athwart the path of the *entente*. But Durham refused to countenance this suggestion. He replied that it was the first object of the British Government to prevent any application of force, and that this could be secured by the demonstration of Russia's accordance with the views of Great Britain. He added that if nothing could be done to induce Holland to accede to the propositions of the Conference, *England and France* would be bound to force the execution of the treaty.[2] In this conviction that England and France must act together in the application of force, Durham foreshadowed his own proposal of October which effected the final settlement of the matter.

One day the Dutch Minister called on Durham. He professed regret for the insulting language used in Holland towards England, expressed confidence in the impartiality of the British Government, hoped that matters would soon be arranged, and referred to the difficult position of the King of Holland.

> 'I told him England could have no object in the part she had taken but the equitable settlement of this unfortunate affair, the consideration of which had been forced upon us—that the prosperity of Holland was as much an object of interest to us as that of Belgium—but that we were bound in honour to carry into effect a treaty, the execution of which we had guaranteed, and that I must fairly tell him that the conduct of the Dutch Government had been such as to leave me no doubt that their object never had been a bona fide settlement of the question. We parted good friends!'[3]

Before leaving St. Petersburg, Lord Durham expressed to King Leopold and to Lord Grey his confidence that he had induced the Emperor to let the King of Holland know that

[1] F.O. 65: 200, Durham to Palmerston, No. 6, Aug. 2, 1832.
[2] Ibid.
[3] Howick MSS. (copy in Lambton MSS.), Durham to Grey, Aug. 2, 1832.

he would not support him in any further attempts to resist the Conference.[1] He had also succeeded in assuaging the Czar's fears that Belgium was being made the tool of French policy. Durham's intimacy with Leopold and the Emperor's confidence in Durham's honesty were valuable in this connexion.[2]

In his instructions to Durham, Palmerston referred to the agitated condition of the German states bordering on the Rhine. It appeared that the party in France that was desirous of securing violent and forcible changes of institutions had been actively working in the west of Germany, 'and proceedings have taken place in those countries of a decidedly revolutionary tendency; those proceedings have alarmed the court of Vienna', which believed that the states in question had not the inclination nor the means requisite for maintaining defence of the laws, and which proposed, it was understood, to give to a Commission appointed by the Diet a superintending and controlling authority over the governments of the independent states.[3] Great Britain viewed such measures with apprehension. The consequences would be serious disagreements between sovereigns and subjects, which would lead to military interference by Austria and Prussia in the internal affairs of the smaller states, involving thereby the peace of Empire. Instead of this, the governments of the states should be encouraged to exert their own authority. The concentration of Austrian troops towards the countries upon which its proposed measures were to bear proved that Austria foresaw resistance and was preparing for a conflict. It was probable that she counted on military support from Russia, and Durham was to ascertain whether any understanding existed between Russia and Austria as to the co-operation of the former, if war should be brought about by these measures. He was to remind the Russian Government of the 'dangerous consequences which might ensue from provoking a conflict of extreme political opinions'. He 'will point out that Italy, Switzerland,

[1] Howick MSS., Durham to Grey, Aug. 30; Lambton MSS., Durham to Leopold, Aug. 29.

[2] See F.O. 65: 200, Durham to Palmerston, No. 14, Aug. 22, 1832.

[3] This was, of course, a reference to the Six Articles of the German Confederation, passed a few days before Durham left England for Russia.

southern Germany, and the Rhenish Provinces of Prussia are all in a state in which a spark might produce an explosion, that it is in the interests of governments and of those who wish to prevent revolutions to keep things quiet and to prevent collision . . . there is no telling what degree of excitement might be produced, nor to what extent it might spread over Europe'.[1]

Shortly after his arrival in Russia Durham believed that he had discovered the existence of a military convention between Russia, Austria, and Prussia.[2] On his putting a direct question to Nesselrode, the latter replied that there was no treaty, but he 'admitted that there was an understanding between the three Powers to this effect, that if there was any resistance to the decrees of the minor sovereigns or of the Diet, force was to be used; that if the military means of the smaller states were insufficient, Austria and Prussia would supply them; and then if France intervened to prevent that interference, Russia would feel herself bound to advance to their aid. If France took no part in this neither would Russia'. Durham urged Nesselrode to use his influence to prevent measures of extreme violence in case of partial resistance. Nesselrode did not seem averse to this, declaring that 'Russia's object was the maintenance of peace, so long as legitimate authority was maintained', but that 'it was absolutely necessary . . . to put down the spirit of insubordination which was so prevalent in the smaller states of Germany'. The weaker German governments could not do this. Durham replied that the only way to avoid trouble was to see that wise and moderate concessions were made. He urged Nesselrode to use his influence in that direction. If Austria and Prussia proceeded to military intervention in the smaller states, public opinion in France would force interference and 'a war of opinions would then exist, the consequences of which no man could foretell. . . . We, our warnings and remonstrances disregarded, would not only be unable to co-operate with them in repressing the French interference, but most likely the current of public opinion in England would run so strongly against the Allied Powers

[1] F.O. 65: 200, Palmerston to Durham, No. 2, July 3, 1832.
[2] Howick MSS., Durham to Grey, July 25, 1832.

as to force us into some declaration condemnatory of their proceedings'.[1]

Durham's representations on this matter caused the Russian Government to send Count Pozzo di Borgo on special missions to Berlin and Vienna before returning to Paris. Nesselrode further suggested that Durham himself should go to Berlin and Vienna on his way home, 'so much good has been effected by your mission here'.[2]

Durham told Grey that he would go to both these capitals if the latter considered it necessary, but that so far as his own feelings were concerned, Berlin, which lay in the path of his homeward journey, appealed to him much more than the out-of-the-way trip to Vienna. His later letters show that he had little confidence in his ability to do much with Metternich. He seems to have felt that while he had so much in common with Nicholas that he could hope to exercise a great influence with him, the antipathies between him and Metternich were so strong that personal contact would do the whole situation more harm than good. 'At all events it is a proof of Nesselrode's good opinion and of the truth of the saying that "no man is a prophet in his own country". In England I am slighted by the King and considered by him as a most dangerous person. Here my principles are thought so sound that I am requested to communicate them to the Holy Alliance!'[3]

In their final conversation on September 12, the Emperor touched on almost every point of European politics. He spoke in terms of great distrust of the stability of the existing Government in France. Durham reminded him that the more he realized the weakness of the French Government the more necessary it was to give it support, because if it failed it would probably be succeeded by one that would actively interfere in the affairs of other states to propagate doctrines hostile to institutions of which it did not approve. He expressed approval of the Emperor's recommendations of a more moderate policy in Germany. He suggested that it was not

[1] F.O. 65: 200, Durham to Palmerston, No. 5, July 27, No. 8, Aug. 2, 1832; Howick MSS., Durham to Grey, Aug. 17, 1832; Lambton MSS., Durham to Palmerston, Aug. 20, 1832.

[2] Howick MSS., Durham to Grey, Aug. 17, 1832.

[3] Ibid., Aug. 21, 1832.

to the interest of Russia to be always placed in the front by Austria as the instigator and supporter of harsh and severe measures which might be considered necessary by Austria, bordering as she did on Italy, Switzerland, and the Rhenish Provinces, but could not be so considered by Russia. Durham remarked that the Emperor had given as his reasons for supporting Metternich that he did so in order to repress the spirit of revolution and anarchy and prevent its entrance into Russia, but 'I begged him to consider whether that very result might not be produced which he so much deprecated'. In the event of a war of opinions in Germany, and Russia supporting Austria, Russian soldiers would be sent to France as prisoners, and exposed to contact with ultra-liberal, revolutionary, and republican doctrines.[1] 'Russia might be and was very useful to Austria, but Austria never could be so to her—showed him how impossible it was from their relative geographical position that their interests could ever be the same.'[2] (Nearly a hundred years of history provides a commentary to this remark of Lord Durham. It is easy to see it now.)

Lord Durham's instructions also called for certain mild and tactful remonstrances to the Russian Government in regard to the treatment of the Poles, based on Russia's alleged violation of the Treaty of Vienna. Public sentiment in England and France had been strongly favourable to the Polish cause at the time of the insurrection, but nothing could have been achieved without a war in which Austria and Prussia would certainly have supported Russia, and both to the newly established government of Louis Philippe and the English Reform Bill administration such a war had been out of the question. The Princess Lieven had told her brother that Lord Durham was a 'Pole enragé' and had urged in the Cabinet the recognition of Polish independence. There is no evidence to confirm this, but the public press frequently referred to Durham as the friend of the Poles, and it was generally, though erroneously, believed that the purpose of his mission to Russia was to secure concessions to Poland. Raikes had written in his journal: 'The admirer of

[1] F.O. 65: 200, Durham to Palmerston, No. 21, Sept. 12, 1832.
[2] Lambton MSS., Diary of the Russian Mission, Sept. 12.

the three glorious days in France and the commiserator of Poland must be a very unwelcome guest in the Russian capital.' One of Raikes' friends, however, believed 'that Durham's talents and agreeable manners would eventually render him popular at St. Petersburg.'[1] The Polish propaganda which made such a strong impression on European and English Liberals, appealed to nationalism, liberalism, and the spirit of fair play. Durham was not an extreme nationalist, though he was interested in the real grievances of oppressed peoples. In fact, the English liberalism of this period was not of the Mazzini type. Durham and Palmerston were both disciples of Canning, but recent historical study has shown how greatly the nationalism of Canning has been exaggerated. Durham, however, was a thorough-going constitutionalist, and the violations and finally the abrogation of the Polish constitution no doubt made a strong appeal to him.

Nicholas was so righteously indignant over the Polish question that he was in no mood to have any one preach sermons to him on his conduct and duty toward the Poles. The Princess Lieven, sharing that indignation with a sincerity which did not characterize all her conduct, told Durham that he would not be able to mention the word Poland in Russia.[2] Leopold counselled him to leave it alone. Nothing could be gained now, and its introduction would only militate against friendly relations.[3] Durham's instructions were clear and, as he told Ellice afterwards, he did not permit his obedience to his instructions to be in any way influenced either by deference to the Czar or by the attentions that were heaped upon him.[4] He was to protest against the revocation of the constitution and the violation of the Treaty of Vienna, secure information in regard to certain alleged injustices, and urge the Russian Government to adopt a milder and juster system. 'Great Britain must not insist too strongly on points which she cannot enforce. At the same time she must give a clear impression of her opinion. You will not press this matter in such a manner as, without producing any benefit

[1] Raikes, *Journal*, i. 39.

[2] Lambton MSS., Durham to Ellice, Aug. 29, 1832; Howick MSS., Durham to Grey, Aug. 30.

[3] Lambton MSS., King Leopold to Durham, June 29, 1832.

[4] Lambton MSS., Durham to Ellice, Aug. 29, 1832.

to Poland, would incur the hazard of increasing the difficulties already existing on the various subjects to which your attention has been directed.'[1] It was a difficult course to steer, and Palmerston's imposing this duty on Durham under the circumstances was an indication that he knew him well enough to realize that, in spite of his petulant outbursts at times, Durham could handle a situation of this sort with consummate tact. The role would hardly have suited Palmerston himself, though his temper was so much cooler.

Durham did not touch the subject for more than a month after his arrival. He waited until he had established his position with Nicholas and Nesselrode, and had seen the other objects of his mission well on their way. In the meantime he discovered that the anti-Polish feeling in the country, and especially that of the nobles and the military, was so strong that the Emperor could not defy it, even if he desired to do so. The hatred of the Russians toward the Poles was as bitter as that of the Poles toward the Russians. In the minds of all those who influenced government, the very existence of the Russian Empire had depended on the outcome of the recent struggle. He decided not to make any *formal* statement on the matter, fearing that if he did so and the matter became public, the Emperor would feel it necessary to take more severe measures toward the Poles, in order to show his subjects that he was not to be dictated to on this matter. Unofficially he stated his position to Nesselrode:

> 'I also told him that the accounts which had reached England on the severities practised towards the Poles had produced the most unfavourable impression on the public mind; that Prince Lieven had denied the truth of the statements and said that it was beneath the dignity of the Emperor to notice such calumnies. I said that the motives for such silence were not appreciated, and that, in the meantime, all accusations were believed to be true, and they created such a public opinion in England as made matters extremely difficult for a Government which was not enabled to contradict such allegations.'

Nesselrode replied that Russia could never agree to the interpretation of the Treaty of Vienna held by the British Government and outlined by Durham, but that before

[1] F.O. 65: 200, Palmerston to Durham, No. 2.

Durham's departure he would give him sufficient evidence to prove that the statements regarding the treatment of the Poles were calumnies. Durham said that he would receive this evidence with pleasure. 'And I finished the conversation by saying that any acts of leniency and grace which the Emperor might be able to show towards the Poles could not but produce the most favourable effect in England.'[1]

Durham had the satisfaction of noting that a 'merciful ukase' relating to Poland was issued, but was carefully antedated so as not to give the Russian people the impression that his presence in Russia had anything to do with it.[2] The strain of this part of Durham's work on his feelings is betrayed in his correspondence with Lord Grey, in which he speaks of 'the miseries and sufferings of the unhappy Poles'.

Lord Durham also took occasion to expound to both the Emperor and Nesselrode the principles of the Reform Bill, the character of British liberalism, the relations and policies of the various parties, and the probability of the Whig Government remaining in power for a long time. He assured them that the passing of the Reform Bill did not mean the return of a lot of wild men to the British Parliament; most of the candidates for the ensuing elections were men of character and sanity.[3] This did much to allay the fears of the Russian Government in regard to the British situation and to lay a basis for better relations between the two countries. No one could have done it as well as Durham. His reputation—perhaps one should say notoriety—as leader of the Reform movement and the most daring and irrepressible member of the new government had preceded him to Russia. The Czar and his ministers had now seen this 'enfant terrible' face to face, and had found him to be a charming gentleman possessed of aristocratic tastes, sweet reasonableness, statesmanlike conceptions, and a rare gift for political analysis and exposition. He left behind him in Russia a strange new confidence in those liberal statesmen

[1] F.O. 65: 200, Durham to Palmerston, No. 14, Aug. 22, 1832.

[2] Lambton MSS., Durham to Palmerston, Aug. 20, 1832. This letter was written after the conversation with Nesselrode recorded in the official dispatch, although the dispatch was of later date.

[3] F.O. 65: 200, Durham to Palmerston, July 18, 1832; Howick MSS., Durham to Grey, Aug. 2.

of Great Britain of which he had been reputed to be the most dangerous.

He felt very well satisfied with the results of his mission. This satisfaction he expressed freely to Lord Grey while at the same time his characteristic sensitiveness found expression in the statement: 'I may indulge in it privately to you because I know well that in no other quarters shall I meet with anything like praise or approbation.'[1] Men were always ready to give more recognition to Durham's abilities than he was himself, and it was unfortunate that he could not meet them half-way in this respect. 'Praise' and 'approbation' were not lacking at this juncture, and some of it came from the most unexpected quarters. Unfriendly as were the relations between William IV and 'Robert le Diable', Lord Palmerston was able to write: 'The King was very much pleased with your dispatch about Polish affairs and with the judgement and discretion which you had shown in the execution of the very difficult part of your instructions which related to that delicate topic. . . . He expressed to Lieven in very strong language his approbation of the manner in which you had performed your public duties at St. Petersburg.'[2] Although praise of Durham to Grey by the Princess Lieven is open to suspicion as being designed to please, the following is probably a true reflection of her letters from home: 'They are certainly satisfied in my country with the way Lord Durham deals with business and treats all political questions. They think him remarkably clever, and say that he has a manner of discussing affairs which is both straightforward and honest.'[3]

Lord and Lady Durham left St. Petersburg September 13. Lord Grey had left him to use his own discretion in regard to Berlin and Vienna, although he wrote to Princess Lieven that he hoped that he would go to both capitals because 'I should be glad to have the opinion of a person of great observation and judgement as to the actual state of things there'.[4] He decided to go to Berlin but not to Vienna. The

[1] Howick MSS., Aug. 30, 1832.
[2] Lambton MSS., Palmerston to Durham, Sept. 14, 1832.
[3] *Correspondence of the Princess Lieven and Earl Grey*, ii. 375.
[4] Ibid. ii. 386.

Princess Melanie wrote in her diary: 'Lord Durham is not allowed to come to Vienna, as Palmerston fears Clement [Metternich] may tell him some home-truths.' The telling of home-truths would have been reciprocal and the meeting a most interesting one—the priest of the old order and the prophet of the new, and so many other clashes that need hardly be suggested! Two dynamic figures, each with his eyes upon the horizon. Metternich's 'It is with to-morrow that my spirit wrestles', and Durham never losing sight of his family motto, 'Le jour viendra!' To-day one searches the world in vain for Metternich's to-morrow, while Durham's day that was to come is to be found in British democracy and the British Commonwealth. So history tests home-truths. Pozzo di Borgo had already been to Vienna on that mission which was one of the results of Durham's visit to Russia. Princess Melanie tells us nothing of their political discussions, but she takes pleasure in noting the fact that they—these two men who hated one another so heartily—talked together about religion in the calm of the evening and quoted to one another the epistles of St. Paul, who was Metternich's 'hero and model'.

Durham arrived in Berlin September 23, and apparently remained in Prussia for nearly two weeks. What little can be learned of this mission leads us to believe that its results were as unimportant as Durham himself had anticipated. There had been an understanding with Leopold for some time that he should visit him before returning to England. He arrived in Brussels October 6, and was now free to give his entire attention to the Belgian question. All summer a deadlock had prevailed. Holland had refused to sign the treaty of November 1831, and until late in September Belgium had refused to negotiate for any amendment of it so long as the Dutch remained in possession of the citadel of Antwerp. The situation was further complicated by the fact that Belgium was occupying those parts of Luxemburg and Limburg which by the treaty were to go to Holland. Leopold proposed to continue to hold them until the Dutch signed the treaty. Mutual evacuation of territory was declared to be out of the question because Belgium had signed the treaty and Holland had not. While the Powers made no progress

Belgium at least made some. On August 9 Leopold was married to the Princess Louise, eldest daughter of the French King. The French nation was less likely than ever to permit a Dutch army to overthrow a throne that was now shared by a French princess. Belgium was also better protected against French aggression, and Talleyrand would find it much more difficult to partition Belgium. Stockmar feared, however, that Talleyrand was still intriguing, with the able assistance of the Princess Lieven and the Duke of Wellington, to prevent the coercion of Holland.[1] Périer had died, and political prospects in France were confused and uncertain. While Durham was asserting that they would have to use force with Holland sooner or later, and the sooner the better, and Palmerston showed a willingness to go ahead, Grey hung back because, in the face of pro-Dutch sentiment in England and refusal to co-operate on the part of the other three powers, he did not feel sure of the support of France.[2]

By September 20, Stockmar succeeded in persuading the Belgian Government that its wisest course would be to agree to negotiate with Holland on the basis of a suggestion of Palmerston's (the 'theme de Palmerston'). Then, when Holland refused, Palmerston was in a better position to press for the evacuation of Antwerp. Another result, however, was to increase the impatience of the Belgians, and when Lord Durham arrived in Brussels to inform Leopold of the situation at St. Petersburg and to assure him that Russia, while refusing to co-operate, would not oppose the employment of force by the other Powers against the Dutch, he found the Belgians in an uproar of excited demands that they be permitted to take the matter into their own hands and fight the Dutch. Once more Durham found himself at the side of the King of the Belgians, when the latter was with difficulty holding his people back from action which might precipitate a European war. On October 1 at the Conference of the Powers, Russia, Prussia, and Austria agreed to financial pressure against Holland but refused to employ force. Even economic pressure was to be postponed until the Prussian Government had been communicated with. Then Palmerston determined that Great Britain and France

[1] Stockmar, i. 271–2.

[2] Ibid., i. 274–5.

must take the matter into their own hands. In a letter to Sir Robert Adair (Minister at Brussels) next day he stated that the probable action would be a combined blockade of Holland by the British and French fleets. Adair apparently turned this letter over to Durham on his arrival at Brussels a few days later.[1]

Palmerston, in writing to Durham on the 5th, after discussing the question at some length, concluded that Great Britain must now demand of Holland the evacuation of the citadel of Antwerp. 'Then would come the question what should be done if the Dutch refused. Blockade of the ports or capture of the citadel by the French?' He discussed each of these propositions in turn. The former might be ineffective, but the latter would be an act of war and might have very serious consequences. 'I merely throw out these suggestions that you may turn them over in your mind and compare them with local information and observations on the spot. The Cabinet assembles on the 11th.'[2]

It will be noted that what Palmerston was contemplating was *one* of these measures *or* the *other*. Durham matured at this time his solution of the Belgian question by an effective co-operation of joint naval action and a French military expedition. We have seen that while he was in Russia he was convinced that real force must be used against the Dutch and that the undertaking would have to be a joint enterprise of Great Britain and France. He had formulated his plan by the 9th when Leopold referred to it in a letter to Louis Philippe as Durham's suggestion.[3]

This letter of Leopold's was in reply to one from the King of France, October 7, in which the latter exhibited a desire to attack the citadel of Antwerp by land, and at the same time a fear that Prussia would fight if he did so. As far back as July the Prussian Minister of Foreign Affairs had instructed his Minister in London to say to Palmerston, 'If the French march in, the Prussians will march down the right bank of the Meuse and . . . no one could answer for the consequences'.[4]

[1] The original letter is among the manuscripts at Lambton Castle.

[2] Lambton MSS.

[3] Lambton MSS., King Leopold to King Louis Philippe, Oct. 9, 1832 (copy).

[4] Stockmar, p. 265.

Now in October the Prussians had moved one army corps to Aix-la-Chapelle and had another in reserve on the Rhine. The French King writes to Leopold that Prussia has informed him that 'our army shall, no more than yours, lay siege to the citadel of Antwerp, and she adds that if we do not come to some agreement with her, she will concentrate her troops on your frontiers in order to be able to act as circumstances may require'. He feels that a land attack will be necessary, but 'to make it against their (Prussia's) wishes is to kindle war, and that is certainly what the King of Holland desires and hopes for'. He suggests, therefore, that they 'purchase the consent of Prussia' by allowing her to hold in trust those territories conceded to Holland by the treaty and still held by the Belgians, on the understanding that Prussia would hand them over to Holland as soon as the latter signed the treaty. These territories should be given up to the Prussians the moment the French troops entered Belgium, and the French would further engage to withdraw from Belgium as soon as they had forced the Dutch evacuation. 'I am not at all certain . . . that Prussia will accept, but if she does, we will be at the end of all our troubles and it will be well worth trying.'[1]

Lord Durham felt confident that this threat of Prussia was a sheer bluff. But *his* plan would confront Prussia with both Great Britain and France in action, co-operating in such a manner that the British navy would control the movements of the French land force and thus alleviate the fears of a permanent French occupation entertained by Great Britain, Prussia, and other countries. To what extent he inspired the Belgian King's reply of the 9th is difficult to say. It certainly reflected the results of his conferences with Leopold. The latter wrote:

> 'It would certainly be unexampled madness to believe that Prussia "at the 11th hour" should make war—to prevent what? The evacuation of the citadel of Antwerp of which *she herself* solemnly guaranteed the possession! . . . If you should now say to the Prussians, "We will entrust to you the territory which the Belgians ceded to Holland, but in response you will permit us to lay siege to the citadel of Antwerp", the Prussians

[1] Lambton MSS. (copy in Lord Durham's hand).

would take advantage of such a dangerous proposal to say, "We wish neither the one nor the other". . . . Besides, the measure that should be taken is, as Lord Durham suggests, to make of the siege not an isolated and purely French action, but one of common consent with England so that it will be executed as a joint undertaking. That will place Prussia out of court.

'Time presses and it is my duty to tell you that it is impossible for me to let the month of October pass without taking action. . . . Lord Durham *will do everything in the world* to induce the English Government to combine its action by sea with the action of French troops by land. He has, however, particularly recommended me to write to you that it is of the highest importance that a ministry should be formed in France. The English Government before beginning will want to know with whom they will have to act. . . . Let them know the moment the new ministry is born. I am sending off Le Hon to-night that he may give you an account of his conversations with Durham, as well as of the domestic situation in Belgium which is becoming critical. . . . Durham is keen (*penetrant*), I have great confidence in his sense of observation, and his judgement is very sound. Prompt action will secure success. If time is lost, unpleasant complications may develop.'[1]

Louis Philippe acted immediately on the advice of Lord Durham communicated in this letter. He received it on the 10th. On the next day the 'Ministry of October 11th' was formed. This put an end to four months of hesitation on the part of the King of France to place himself in the hands of a powerful administration, and although negotiations were in progress Durham's suggestions may well have hastened their completion. Durham in the meantime was off for England. He reached Dover at two o'clock on the 10th, and at one o'clock on the 11th the Cabinet met. What occurred at that session we do not know, but four days later there was presented to the Cabinet the second of Lord Durham's reports, the statement on which was based the action which settled the Belgian question. It ran as follows:

'I consider a combined and simultaneous operation by sea and land preferable for several reasons. It would be effective, which an embargo and blockade would not. It would not be a measure of war affecting in its immediate action the Dutch nation or the interests of British or European commerce, but

[1] Lambton MSS. (copy in Lord Durham's hand).

it would be a measure of force applied at a particular spot to the Dutch King and his army, unjustly occupying—out of the Dutch territories—a place guaranteed by us and by all Europe to our allies the Belgians. This removal being effected, no necessity could exist for carrying the war into Dutch territory or molesting their ships or commerce, unless the King of Holland resented his forcible expulsion from Belgium by a declaration of war against us, in which case he would place himself still more in the wrong, and forfeit the sympathy and support of his own subjects, and could, under no pretence, be supported by any of the great Powers. The pressure of an embargo and blockade could not be effective at this time of year, and would leave the *status quo* precisely the same as regarded Belgium, producing only additional irritation in the minds of the Dutch. A blockade of the Scheldt by the fleet, and the simultaneous movement of a French army on Antwerp, would be so immediate and decisive an operation, so completely precluding all possibility of an effectual resistance, that the mere announcement would most likely produce submission on the part of the King of Holland and a settlement of this tedious and complicated question.

'The combined operations would have another advantage; they must preclude the expression of alarm and jealousy on the part of those three Powers which have entered into the Treaty with Belgium, but will not concur in its execution—Prussia, Russia, and Austria. In the course of these proceedings they never objected to the eventual removal of the Dutch from Antwerp by force; on the contrary, the Emperor of Russia distinctly proposed to me the occupation by an English army. The three Powers objected to, and dreaded, the separate entry of a French army into Belgium, as the result of French excitement and for French interests, fearing that the combined effect of both might render it impossible for the French Government to avoid an attempt at permanent occupation, which they would be obliged to resist, and that thus a general war would be produced. The possibility of this result is avoided by the proposed measure, which applies British control to the slightest movement of the French army, and will, in its development, necessarily guard against any act of the French which would excite the jealousy and alarm of the three Powers, limiting their military operations solely to the one object—namely, the evacuation of the Belgian territories.

'It must also be observed that if we decide against the employment of a French army, as part of a combined plan of

Anglo-French operations, that determination will not prevent its eventual, nay, very speedy, entry into Belgium. The Belgians are fully aware of their position. They know that a movement on their part can only be beneficial. If they beat the Dutch they regain their tainted credit and their territory. If they are beaten, they fall back on a French army ready to advance at an hour's notice, and which, once in motion, will cause the evacuation of Antwerp and the execution of the Treaty. This would be a separate and solely French operation, involving us in difficulties from which we can only escape by rendering it a component part of our own plan and the instrument of British counsels and measures. I am therefore of opinion that, whilst the mouth of the Scheldt is blockaded by our fleet, a French army should be marched against Antwerp, its objects and operations having been previously strictly defined and limited in a Convention between England and France.'

At the time Durham presented this report, English public sentiment, and especially that of the big commercial interests, was strongly opposed to any French action by land. Grey and Palmerston were at first opposed to it, and the King felt the strongest antipathy towards it. Single-handed, by sheer force of keen analysis and lucid argument, Durham carried all before him, and the Cabinet accepted his plan. Grey and Palmerston may have been won over in the interval between the 10th and the 15th. Possibly Lord Grey took Lord Durham's report with him to the King in the effort to win his consent, as he had in the case of Durham's earlier report on the Reform Bill. William's later memorandum of January 14, 1835, shows that he was not convinced, but he surrendered to the judgement and desires of his ministers.

Durham's proposal was so far modified as to permit of two preliminary periods in which Holland might indicate submission. In the first, which lasted from October 22 to November 2, she might promise to evacuate the Belgian territory by the 12th. In the second, which lasted till the 15th of November, a blockade and embargo were to be maintained, and if by that date the evacuation had not taken place, Durham's full plan was to be put into operation. This was the purport of the convention agreed to by the British and French Governments on October 22.

On the 23rd—apparently before he heard of the conven-

tion—Leopold wrote Durham a letter which concludes with 'I trust in your energy, else I would have little hope to see anything reasonable done'. On the 26th Lord Durham wrote to King Leopold:

> 'On my arrival in England I found the course contemplated was that of an embargo only. I lost no time in pressing on the cabinet the impolicy of such an inefficient measure and strongly urged the necessity as well as expediency of an effective step being at once taken, viz. the joint and simultaneous operation of a fleet by sea and a French army by land. . . . This decisive step startled some, but at length its policy became apparent and it was agreed to. Other objections in other quarters however intervened and the result is what your Majesty knows, which although not as good as my original proposal, is yet the next best course. . . . This has not been accomplished without great exertions. The timidity of some, the hostility of others, has rendered it no easy matter. However it is over and I am now going into the North for a little relaxation from public and for a severe examination of private affairs, which for two years now I have sadly neglected.'[1]

The Belgian crisis was over. After a siege of nearly a month, the Dutch surrendered the citadel of Antwerp, December 22, and the French troops withdrew from Belgium. Since the Dutch still held two outlying forts, the blockade lasted until May 21, 1833, when a convention was signed which secured the free navigation of the Meuse and the Scheldt, and bound Holland not to attack Belgium until a definite treaty was signed between them. It mattered little that Holland did not agree to the Twenty-four Articles until 1838. Belgium held Holland's share of Luxemburg and Limburg until the Dutch fit of obstinacy had worn itself out. After the convention of October 1832 on the basis of Lord Durham's plan, the Belgian question was no longer a menace to the peace of Europe and the new Belgian kingdom no longer went in fear of its life.

In conferring upon him the Order of Leopold, the King of the Belgians was perhaps not unmindful of his friend's love of honours, but certainly no honour was more fittingly bestowed and at the same time so incommensurate with the services rendered.

[1] Lambton MSS.

XII

CLOUD AND STORM

Lord Durham had carried everything before him and secured substantially what he had advocated in the Reform Bill and in the Belgian settlement. He now threw himself into a study of the Irish question, hoping to secure another victory there. He had never liked Stanley's Irish policy, and, before going to Russia, had strongly opposed his Tithes Bill in the Cabinet. He had written to Lord Grey from St. Petersburg:

> 'What you say of the necessity of changes at home is quite true but I am very sorry to see that your attention is solely directed to one point, namely how to place Stanley in some higher situation. I admit his powers for debating, in the House of Commons they are unrivalled, but I have no opinion whatever of his judgement. He brings forward the harshest measures, and when they have had the effect of irritating all Ireland, and exciting the most violent feelings against himself and the Government, he is forced to withdraw them. This has happened repeatedly.'[1]

This reminds us that Stanley's Irish policy has been described as 'a swift alternation of kicks and kindnesses'. O'Connell said of Stanley that he had succeeded in doing what no other man had been able to accomplish; he had united all Ireland in one sentiment. The sentiment was that of antipathy to himself.

On Durham's return from Russia, however, he discovered that instead of removing Stanley from the Irish Secretaryship, Lord Grey was urging him to retain it against his will. In the intervening months Stanley had secured a strong influence over Grey's mind, which Durham probably resented as much as Grey resented his criticisms of Stanley. When Stanley brought forward in the Cabinet the suggestions which developed into the Irish Church Bill of the following session, Durham was very much surprised to find that he was the only one who opposed them. He must have known that Althorp and Russell were not satisfied with Stanley's proposals, and he may have known that both of them had thought of resigning from the Cabinet on that account.[2]

[1] Howick MSS. (copy in Lambton MSS.). Given in part in Reid, i. 319.

[2] *Early Correspondence of Russell*, ii. 35–6, Holland to Russell, Oct. 26,

He unburdened his dissatisfaction to Hobhouse. 'Lord Durham said he had often been tempted to resign in consequence of the imbecility of the Government; nothing but his attachment to Lord Grey kept him in office. . . . Durham dealt his censures pretty impartially on all his colleagues. . . .'[1]

This dissatisfaction was largely due to the fact that Durham found himself very lonely on the liberal wing of the Cabinet. Having been forced to put through the Reform Bill and still aching from the experience, that Cabinet wanted no more liberalism for some time. Even Brougham had taken a conservative turn, and Russell and Althorp were reticent about fighting for the principles they believed in. But among the members of the Ministry outside the Cabinet, Durham enjoyed the support of Hobhouse, Ellice, Duncannon, and Poulett Thomson. The nucleus of the old 'Durham & Co.' was still behind him and was as dissatisfied as he was. There was already a rumour abroad of a new party to be made up of liberal Whigs and moderate Radicals with Durham at its head.

The following extracts from a letter written at this time by Graham to Stanley represent the gossip of a man who was warmly attached to Stanley and deeply resented Durham's attacks on him:

> 'I warned Lord Grey that it appeared to me that he [Durham] was taking ground to break with us. He had not told any of us that the manifesto had been transmitted by him to you; but since he gave it to Lord Grey he has absented himself from the Cabinet, and about three days ago, at his own table, he abused his colleagues in such offensive terms that even Poulett Thomson, who as *ami intime* was present, entreated him to desist.[2] . . . Durham, it appears, has intimated to Lord Grey that, if you were made Secretary of State while he was destined to remain Privy Seal, he would instantly resign.
>
> 'Brougham, therefore, suggested to Althorp, and I strenuously urged it, that Lord Grey should write to Durham at once, and state to him that he has received this message,[3] and, as he is resolved to make you Secretary for the Colonies,

1832; Le Marchant, pp. 445–6, Grey to Althorp, Oct. 21; *Recollections*, iv. 255–6.

[1] *Recollections*, iv. 256–7.

[2] Poulett Thomson discussed the same ministers in a similar manner in later letters to Durham.

[3] This suggests that it was in written form. There is no trace of it in the Howick manuscripts.

he is under the necessity of calling on him to surrender the Privy Seal. Althorp entirely approved of this advice. Ellice, Hobhouse, Poulett Thomson, Barnes, the Editor of *The Times*, and Young, Melbourne's secretary, were to dine with Durham yesterday in close council. Althorp thinks that neither Hobhouse nor Thomson will follow Durham [in resigning] but will continue to act with him. Ellice, on the contrary, will accept no office, and I fear will join with Durham in decrying our Irish policy.'[1]

In a letter written the next day, Graham informed Stanley that Ellice had persuaded Durham not to resign. 'His [Durham's] ambition is of a wilder flight, and he looks to being the head of a *mouvement* Government.'[2]

Stanley in his reply wrote: 'Lord Grey is very decided. He speaks of Durham's views and conduct as being "a very painful subject" to him, but one that he must meet. I have sent my answer to Durham's paper. I have written to him civilly. . . . I have then called for the decision of the Cabinet between us, and that decision made he must yield, or go; and he knows it.'[3] According to Hobhouse 'Lord Grey said to Ellice that Stanley *must be Secretary of State*, and that Lord Durham was much mistaken if he thought he could head a party. Ellice wrote a very sensible letter to Lord Grey, confessing the faults of Durham's temper, but telling him that all his views on the great points of discussion last session had turned out to be right.' Durham decided not to resign, but said to Hobhouse, 'I shall not let the fellows know my determination sooner than I can help. I will keep them in hot water as long as I can'.[4]

Another trouble was brewing. When Lord Heytesbury resigned his position as Ambassador to Russia, Princess Lieven had written to Nesselrode that Stratford Canning might be his successor. Nesselrode replied: 'Don't let it be Canning; he is a most impracticable man, *soupconneux, pointilleux, défiant.*' He added that he had been personally uncivil to the Emperor when he was Grand Duke, that they would not receive him, and that it was desirable that anybody else should be sent. When Lord Durham was in Russia he

[1] Parker, *Graham*, i. 179–80, Nov. 18, 1832.
[2] Ibid. i. 180.
[3] Ibid. i. 180–1, Nov. 21, 1832.
[4] *Recollections*, iv. 260–2 (Hobhouse's Diary, Nov. 19–22, 1832).

wrote to Lord Palmerston: 'Nesselrode made many inquiries of me as to who was likely to be the permanent ambassador. He seems to wish much that it should not be Stratford Canning. He said he could not do business pleasantly with him, he was so suspicious and susceptible. In my opinion our influence here must depend on the tact of the ambassador and we may be much or nothing.'[1]

When Durham returned to England he found that Palmerston was determined to appoint Stratford Canning. To Durham this was sheer madness. It was apparently the first of Palmerston's mad freaks, and he had not yet developed that reputation for genius that was barely able to cover them. Stratford Canning's appointment was gazetted, but Palmerston discovered that he could not force on Russia an ambassador whom the Russian Government would not receive. He then refused to appoint any ambassador at all, and until 1835 Great Britain was represented at St. Petersburg by the *chargé d'affaires*. Out of Durham's insistence, somewhat stormy at times, and Palmerston's high-handedness, another unpleasantness was developing at the same time as the Irish controversy.

In the matter of the Irish Church, Durham was determined to place his position clearly before the Cabinet. He carefully prepared a somewhat lengthy paper in which he criticized Stanley's suggestions. He submitted it to Stanley, and the latter returned it with his marginal comments. The document thus completed makes interesting reading, because, while Durham was a master at analysis of this sort, Stanley was a remarkable debater. Its historical importance is confined to the facts that it raised the question of the alienability of the property of the Irish Church—which helped to break up the Grey Government—and opened the way for some changes from the original plan in matters of detail.

While approving of some features such as the abolition of church cess and the reduction of the number of bishoprics, Durham felt that Stanley's plan was entirely inadequate as a reform of the Irish Church. He protested strongly against the idea that there must be a minister of the Established Church in every parish in Ireland, 'whether there be

[1] Lambton MSS., Aug. 21, 1832.

any one individual professing the established religion or not . . . in other words that a fixed salary shall be given a man in hopes that he may find something to do'.

> 'Will giving a man salary without work make him desirous of work without salary? And what, on the other hand, will be the effect on the people? Will they be more inclined to leave their own creed and come into the pale because they see before them one of its ministers in the objectionable situation of a sinecurist? It is preposterous to suppose it. If proselytism is to take place, it will be carried on by the religious enthusiast, or the needy preacher whose gains depend upon his success. The first the Church is not likely to get; the other it is impossible it should have since the plan prevents it.'

In a subsidiary paper Lord Durham asked questions in regard to the benefits which had accrued to the established religion in Ireland as a result of financial support by the State, which came closer to a suggestion of disestablishment than the words of any other British statesman of this period.[1]

Durham's assertion that the whole plan proceeded on the assumption of the inalienability of the property of the Church was met by Stanley's contention that he was not concerned with the abstract question of inalienability but rather with the fact that the Cabinet had agreed on the principle of non-alienation. This called forth a sharp letter from Lord John Russell: 'I lose not a moment in declaring to you that I never heard such a principle mooted, & am no party to its adoption. Had we begun by laying down any such principle, the question between that of non-alienation & inalienability would be merely a verbal dispute.'[2] This unpublished letter of Russell's is the first indication of that controversy with Stanley which developed until the former 'upset the coach'. At the same time Durham was opposed to Stanley's Coercion Bill, which Greville described, not unfairly, as 'a *consommé* of insurrection—gagging Acts, suspension of Habeas Corpus, martial law, and one or two other little hards and sharps'. Brougham was writing insistent letters to Grey threatening to resign if Stanley were not removed from the Irish Secretaryship—to which Grey

[1] Lambton MSS., Nov. 8, 1832.
[2] Lambton MSS., Russell to Stanley (copy), Dec. 30, 1832.

replied with consistent refusals. Already in December 1832 and January 1833 there was trouble enough for the Cabinet on the Irish question.

The situation was further aggravated by a dispute about the 'finality' of the Reform Bill. Stanley made a statement in Parliament which implied that the Reform Bill was a final measure so far as that Government was concerned. Again he was supported by Grey, who informed Durham that it was undoubtedly intended to be final and to preclude further agitation for any extension of Parliamentary Reform.[1] Durham did not believe that 'finality' in that sense was either possible or tolerable. Stanley's temper was little better than Durham's, and Althorp remarked to Hobhouse that he (Althorp) 'was nothing in the Cabinet; he had neither great talent nor ill temper, so nobody cared for him'.[2] Durham was also disappointed that the Government was doing nothing about municipal reform.

In the midst of all this, Lord Durham's second daughter, Georgiana, died on January 3. It was the fourth crushing bereavement in a little over a year, and Lord Durham's health had never recovered from the first of them. Although obliged to maintain a controversial correspondence, he was, after the middle of November, too ill to attend Cabinet meetings. On January 24 he wrote to Sir Robert Wilson that he knew very little of what was going on in the Government circle.[3]

In these circumstances, on January 29 there occurred another unfortunate scene between Lord Grey and Lord Durham, this time in a private interview. Durham had written to Grey on the previous day complaining that he was being kept in utter ignorance of what was being done in the Cabinet 'on the question pending between Mr. Stanley and myself. Since his threat to bring the matter under discussion I have never received the slightest communication respecting it, and the time is now come when it must be settled'. He asked for an interview on the next day. Lord Grey replied that nothing had been done in the Cabinet in

[1] Lambton MSS., Grey to Durham, Dec. 21, 1832.
[2] *Recollections*, iv. 274, Jan. 19, 1833; Lambton MSS.
[3] B.M. Add. MSS. 30112, f. 232.

regard to the matter on account of the bereavement and illness which had made it impossible for Durham to attend; Stanley was developing his plan into a bill, and when the latter was completed 'any member of the Cabinet who may wish to do so, will, of course, have the opportunity of objecting to it'.[1] The interview was granted and took place—with an accompaniment of cloud and storm. According to Ellice's account, 'Lord Durham accused Lord Grey of wishing to get rid of him and so they went on'.[2]

Lord Durham wrote to Lady Durham at ten o'clock the following morning:

> 'I have had a terrible headache all last night and still have it now. . . . My interview with Lord Grey was very unsatisfactory indeed. I dined afterwards with Ellice, Duncannon, Thomson and Ebrington[3] and told them my impression was that Lord Grey would rather prefer my going out. I should have acted on this directly, but Duncannon begged me to allow him to see Lord Grey this morning, to ascertain whether my feeling was a correct one or not. I have no doubt he will find it so [in which case the letter of resignation would be sent immediately]. I am too ill to write any more.'[4]

Lord Duncannon, however, reported a most satisfactory conversation with Lord Grey, which according to Durham 'corrected an erroneous impression' in regard to Lord Grey's sentiments. Durham then wrote Grey what Hobhouse described (his informant was probably either Duncannon or Ellice) as 'the handsomest possible letter, begging that all differences might be forgotten, promising cordial support in Cabinet, and begging a fortnight's absence to recover his health. In short, a very conciliatory epistle with which Lord Grey was much pleased'. Durham also told Lord Grey that having had a conversation with Lord John Russell he stood ready to support Stanley's Irish Church Reform Bill on the same grounds as Russell. On account of harassed feelings and physical suffering he asked for 'leave of absence for a short time longer'.[5]

[1] Lambton MSS. [2] *Recollections*, iv. 279.
[3] The select bodyguard of Lord Durham's 'ginger-group'.
[4] Lambton MSS., Jan. 30, 1833.
[5] Howick MSS., Durham to Grey, Jan. 30, 1832; *Recollections*, iv. 279–80 (Diary, Jan. 30, 31).

Lord Grey's reply to Lord Durham was no less generous:

'Your letter has relieved me from a great distress. The impression under which it was too evident that you left me yesterday gave me a degree of pain which it is impossible for me to express. Duncannon could not represent too strongly my feelings of [illegible] and affection for you. They may have been disturbed, and all I have to beg is, if anything shall hereafter occur to make them appear doubtful, that you will be assured that it is in appearance only and that you will at once express the impression it may have made, which I am confident will be all that can be wanted to afford me the means of immediately removing it. . . .

'Now again let me repeat that if there is anything of which I may not have had an opportunity of giving you information, or from hurry or accident I have omitted to do so, that you will not conclude that it has been caused by an improper reserve or a purposed concealment, but that you will speak to me about it at once with the frankness which ought to prevail between two persons connected as we are.

'Nothing can be more gratifying than the manner in which you express your wish never to recur to any former cause of difference, and to co-operate cordially with the Government. This is all that can be wanted for the comfort and credit of us all.

'I saw but too plainly how much your health has altered. Your first care must be to restore it, and nobody can object to the time that may be required for that purpose. I shall look anxiously to the moment when you may return to us.'[1]

The same day Poulett Thomson, one of Durham's staunchest supporters, wrote to him expressing his pleasure at hearing that he had decided not to resign. 'The course you have followed is the best and wisest you could have taken, the words you have chosen excellent, and the result exactly what it ought to be.'[2]

In the next few days Lord and Lady Durham both wrote to Lord Grey thanking him for his kindnesses, reporting that the former was in a most feeble state of health and urging Grey not to consider it necessary to report everything that was going on in the political world. While Durham was still

[1] Lambton MSS., Jan. 30, 1833.

[2] Canadian Archives, *D.P.* 6, i. 140 seq., Thomson to Durham, Jan. 30, 1833.

attempting to recover his strength at Dover, Duncannon, who shared his ultra-liberal views but was as equable in temperament as the other was fiery, wrote him a frank letter:

> 'Lord Grey, you must allow, was placed in a difficult situation, that he might not appear always to take exactly your view. . . . Never allow yourself to be put out of humour by a flippant speech or an angry expression, and your opinions, which are always right, must have weight not only with Lord Grey, but with Althorp and J. Russell, and probably with Brougham, who in fact agree with you. You may think me very impertinent in fancying you more likely to lose your temper with them, but I put the case because I know that if you can quietly and moderately discuss those questions before the Cabinet, that you must be of important service to Lord Grey and save the Government from bringing forward many plans which end in ridicule and disappointment.
>
> 'If measures are adopted you disapprove of, go to Lord Grey as you used to do, and discuss them with him, and there is no one, you may be sure, who has so much influence and whom he looks to with more kindness and affection than yourself. . . . He has worries enough arising out of the position in which he is placed, without having these increased by the loss of your society and assistance. As I said before you may think me impertinent for the freedom with which I have written, but be assured I am actuated only by an anxious wish to see you occupy the position you are entitled to.'[1]

Lord Durham's health not only failed to improve, but took a serious turn for the worse. On March 12 he wrote to Lord Grey a final letter of resignation. 'I cannot anticipate any relief, or even the chance of it, unless from a temporary change of climate and abstinence from the cares and anxieties of office.'[2] *The Times*, in commenting on this resignation said: 'The country loses one of the soundest and most decisive understandings ever employed in public affairs.'

Two days later he was gazetted as Earl of Durham as a recognition of the public services rendered during his brief but brilliant career as a Minister of the Crown. It may be

[1] Lambton MSS., n.d.

[2] Lambton MSS. The whole letter is given in Reid, i. 322 and in *The Times* and other London papers, Mar. 14, 1833.

safely asserted that few Cabinet Ministers in English history have accomplished so much in a term of a little over two years. No reward could have pleased him more than the earldom. Lord Grey had good reason to know that this had been for some time an object of ambition with him, but when it came finally, it came as a surprise.[1]

Durham's resignation was written the day after Stanley's Coercion Bill passed its second reading in the Commons. Under these circumstances it was believed by some that there were other reasons for Durham's action beside ill health. But in a letter written at this time Palmerston said that if Durham had been well nothing would have induced him to go out. In a letter to Lord Grey which accompanied his resignation, Durham said: 'I do not know that I shall ever recover. My only chance is immediate quiet.' On the following day, Grey wrote to Brougham: 'You do not know how ill Lambton really is. Hammich tells me that nobody can imagine how much he suffers.... His coming to the House of Lords is quite out of the question, but if anything should be said to make it necessary, there could be no difficulty in stating that his resignation was not occasioned by any difference of opinion, but solely by the state of his health.'[2]

Of the many letters which Lord Durham received expressing regret at his resignation, one was from Littleton, so soon to be deeply involved in Irish difficulties. Had Durham's health permitted, 'I know no one the cast of whose mind and character would have induced me so implicitly and zealously to have followed him as I should have followed you. The known bias of your mind gave a tone to the administration in the estimation of many parties of which it will feel the loss.'[3]

Lord Durham wrote to Lord Grey from Cowes two months later, 'I am certainly better, but the complaint yields most reluctantly.'[4] He was always fond of sailing, and much of the early summer was spent on his yacht the *Louisa*. In July, with his friend 'Tommy' Duncombe, he went to

[1] Brougham, *Memoirs*, iii. 179, Grey to Brougham, Mar. 13, 1833.
[2] Howick MSS.; Brougham, iii. 179.
[3] Lambton MSS., March 18, 1833.
[4] Howick MSS., May 20, 1833.

Brussels in response to King Leopold's constant and urgent invitations.[1]

As always when his physical strength became partially restored, his mind reverted to politics. He found a new outlet for this unquenchable interest in his recently developed correspondence with Joseph Parkes, who was now engaged in the municipal reform to which the Reform Bill so directly pointed and which Durham had feared was to be neglected.

In his letters to Parkes he constantly expressed the fear that the Whigs would form a coalition with Peel against the extreme Tories on the one hand and the Radicals on the other.

> 'Never lose sight of the real enemy [the Tories] whilst you are correcting your spoiled child [the Whigs]. Lay it on thick on Sir Joseph Surface [Peel]. If ever this man wriggles himself into a juncture with any portion of our friends, the liberal cause is thrown back decidedly. . . . A loss of character to both parties must come if a coalition take place. And what would be gained? He is a debater, but has no following in the country, even amongst the Tories. His power is only when he is on his legs, throwing back his coat and murdering his un-appy H Hs.'[2]

The Irish Church Bill was now in the Lords. When it was in Committee in the Commons, Stanley had successfully moved for the striking out of the appropriation clause which Durham, Russell, and Althorpe had insisted on in opposition to Stanley's principle of non-alienation. Durham wrote to Grey from Cowes on July 30: 'I tell you fairly that the fact of your being at the head of the Government alone had prevented my coming to town to oppose the Bill altogether. As long as you are in that situation, I never will do any public act that may be construed into one of opposition.'[3]

Lord Grey was having an interesting time with his family of statesmen. The Grey family was never lacking in independence, and those who married into it possessed the same characteristic in greater or less degree. When the Prime Minister received this letter from the most independent of them, his brothers-in-law, Ellice and Duncannon, and his son, Charles Grey, had already either voted against the

[1] Lambton MSS., Durham to Parkes, July 3; Ellice to Durham, July 10.
[2] Lambton MSS., June 21, Aug. 2. [3] Ibid. (copy); Reid, i. 329.

Government or absented themselves from Parliament on important divisions.[1]

Lord Durham returned to England in September. The Tories immediately opened fire on him with a series of the most bitter and slanderous attacks in the press. His temper and haughtiness were played up as usual, and there were also attempts to impugn his loyalty. The absurd stories that were zealously circulated ran all the way from flying the French flag from his yacht the *Louisa* to ordering the destruction of a village in his wrath at his carriage being impeded by a game of quoits. He could well have afforded to ignore the falsity and malice of such statements, but his friends attempted in vain to dissuade him from replying with a series of libel suits. The reason for the attacks was obvious. The strongest champion of liberalism had returned to the arena. It was liberalism, not whiggism, which the Tories really feared. There was a rumour abroad that Grey was to retire and Durham succeed him as Prime Minister. The *Morning Post* (Tory) commented on this rumour as follows:

> 'It has been for some time rumoured that Lord Durham will be Premier before the opening of the next session of Parliament. . . . We neither know nor pretend to know the origin of the report. We have no private door in Downing Street, no back stairs in Whitehall. We do not laugh at Lord Brougham's jests nor intrude on Mr. Charles Grant's slumbers [later Lord Glenelg]. But, setting aside the truth or falsehood of the report, we think the existence of that report in itself a fearful sign. Lord Durham's appointment may or may not have been contemplated. That it has been thought certain by a few is pitiful; that it has been considered probable by many is yet more sad; that it seems to none of us impossible is as strong a proof as we can anticipate of the perilous position in which at this time the nation is placed.'[2]

And there was the constantly recurring story of a new party of liberal Whigs and Radicals under his leadership. Clearly to those to whom toryism—or even conservatism, to use the more moderate term then being popularized—

[1] Walpole, iii. 162; Greville, ii. 179, 180, 184.
[2] *Morning Post*, Nov. 25, 1833.

meant principle and fear rather than simply party, Durham was the enemy.

The *Spectator* gave the following description of the situation: 'We all know the reason,—none better than his libellers,—why Lord Durham is singled out as the object of this species of persecution. It is understood that we have to thank him for the sound parts of the Reform Act, while its defects are the work of others. . . . He is looked upon by many as the future leader of the English Liberals.'[1] Durham himself believed,—with what justification we cannot say,—that the men behind the slanderous newspaper articles were Croker, Lord Ellenborough, and the Right Rev. Henry Phillpotts, Bishop of Exeter.[2]

Lord Durham's correspondence at this time was full of references to these attacks. In instituting and maintaining, in the face of his friends' advice, a series of libel suits against the newspapers in which they were initiated and repeated, he was actuated by his sensitiveness, his pride, his fighting spirit, his courageous determination to destroy any flagrant and widespread evil that came within his line of vision, an appreciation beyond that of most men of his class of the increasing importance of the influence of the press in English politics, and an aristocratic disgust with its frequent vulgarity and unscrupulousness. He became so wrought up over the matter that he wrote to Parkes about it nearly every day, constantly repeating himself and forgetting apparently what he had already written. To one of these letters he added the following postscript: 'Who writes the articles in the *Observer*? I hear there was a very malignant one against me a fortnight ago,—accusing me of "deceitful conduct in private life". Is that so and who is the man?'[3] Most of his friends agreed with Ellice, if they were not quite so frank: 'How can you be so thin-skinned and foolish about these papers? . . . For God's sake, if you cannot laugh at their mischief, do not notice it. When they see they are successful in annoying you, it will encourage them to keep it up.' Even E. J. Stanley, who believed that Durham should take action,

[1] *Spectator*, Oct. 29, 1833.
[2] Lambton MSS., Durham to Parkes, Dec. 11, 1833.
[3] Lambton MSS., Dec. 11, 1833.

advised him to go after the big fish and leave the little ones alone, and questioned whether the flag libels were worth wasting time over.[1]

In the meantime a complimentary dinner was tendered to Lord Durham at Gateshead on October 23. While he spoke in favour of the Ministry, he offended a number of its members by stating that Lord Grey had entrusted to him the preparation of the Reform Bill in which work he had been assisted by Russell, Graham, and Duncannon, and that he had opposed the modifications which had weakened the measure. These statements were declared by men who were anxious enough to find fault with him to be betrayals of Cabinet secrets, which in fact they were, and of a flagrant type. He also suggested that there were in the Reform Bill 'many imperfections to be remedied'.

Lord Durham felt that the Ministers should have displayed more gratitude than they did for his championship and eulogy of the Government. 'I assure you,' he wrote to Parkes, 'it required a broad shield and a knight errant's determination to cover the retreat of the Ministry. . . . The Government has risen several degrees since the Gateshead dinner. . . . May they have wit enough to benefit by the miracle.' A similar dinner was held in his honour at Sunderland on November 6, and Durham remarked that several speakers indulged in praises of the Government who would not have dared to do so before his stand at Gateshead. He was deeply affected by the enthusiasm with which he was received.[2] The Ministers, however, did not enjoy being goaded on to additions to the Reform Bill, which they had declared to be a 'finality'.

Poulett Thomson was reporting to Durham the situation in the Government. These letters are interesting not only as showing what one member of the Grey administration thought of his colleagues but because they illustrate the close personal and political relationship existing between these two men, one of whom was to succeed the other in projecting that great enterprise in Canada that was to be vastly more important historically than anything that was being dreamed or done in England in 1833 and 1834. A few months before

[1] Lambton MSS., Nov. 28, Nov. 18, 1833.
[2] Lambton MSS., Oct. 31, Nov. 7, 8.

this the Canadian-built *Royal William* had arrived at the port of London after having for the first time spanned by steam power those thousands of miles of water that separated the motherland from that new country where these two, just before 'last post' sounded for them both in middle life, were to find a glorious field for that liberalism which made them so restless in England in these days when achievement lagged falteringly behind opportunity.

On December 18 Poulett Thomson wrote:

'I would like the opportunity of telling you *viva voce* how rejoiced I am at the course you have followed on the two or three occasions on which you have appeared in public in the North. You have done infinite credit to yourself, and great good, though perhaps they may not think so, to every man of rank and large property in the country by showing that the cause of the people is not viewed with indifference by the whole of that class. Our friends are grievously in error as they will find out too late but very soon. . . . You will be pleased to hear that amongst the most important and most intelligent of the leaders here, I hear but one common strain of praise of yourself.'[1]

On December 30:

'Church, Constitution, . . . Corporation system, the Septennial Bill—upon no one of these great points do I believe that the Cabinet has come, or will come, to any determination. They will meet Parliament still less prepared than the last time. . . . We shall arrive at the end of the session damaged in character both as men of business and men of principle, without having as last year a number of great changes, *tant bien que mal* effected, but at least effected, to produce in our defence. You say "report the opinions you have gathered to your friends in the Cabinet". It is useless to do so. Like those of old, they have eyes yet they see not, ears yet they hear not, and the only merit of endeavouring to inform them of what the real state of feeling in the country is amongst all their intelligent and well-disposed friends, is to view a shrug of the shoulders and a polite hint that you are either a firebrand or a fool. I am very sorry for Lord Grey and Althorp. . . . Supported and encouraged by men who feel the critical state of the times, and whose sympathies are popular, they might overcome their natural indolence of temperament and follow the right course; but with a battle at each onward step or at least no encouragement

[1] Can. Arch., *D.P.* 6, i. 152–3.

to look difficulties in the face, they are satisfied to adopt the *far niente* line. They should have thought of all this before they made reform what it is. . . .

'When shall you come up? Before the meeting, I hope. Do if you can, your presence will I am sure do good with Lord Grey and we may set the boiler going perhaps to some good end.'[1]

On January 16 (1834):—

'The holidays are over for the rest of the world, but not so for our rulers. . . . They did meet indeed on Tuesday . . . and adjourned till next week to recruit their strength after the prodigious exertion of eating a Cabinet dinner and doing nothing. And we are within two weeks of the King's speech which, let them think what they will, must mar or make them. . . . Were it possible to persuade the Cabinet to adopt and carry through three or four right measures, our old ally, lack of time for more, might again be pressed into the service, or if they would in their mercy propose something so anti-liberal as to afford a good excuse for cutting the connexion, we might take advantage of it. But their present negative course does neither one thing nor the other and leaves every one committed with them by official ties who holds liberal opinions to die by inches, too weak to make his physician change his system, and without an excuse for kicking him downstairs and getting better advice. . . . The boiler is extinct, and until you come we cannot hope to hear the kettle hiss again.'[2]

At the same time, Durham was writing to Parkes: 'I am too much of an invalid to take out of doors exercise and therefore my whole time is spent in reading.'[3]

In December 1833 Harriet Martineau was invited to Lambton Castle, where she studied labour conditions in the Lambton collieries in preparation for a pamphlet which she had undertaken. During the very months when he had been fighting for the Reform Bill, Lord Durham had encountered a bad strike situation which disturbed all the northern coalfields. Ships from Berwick had brought 'coals to Newcastle' and to Lambton. The mines had been operated under the protection of the troops.[4] This experience had forced on his

[1] Ibid., 154–8.
[2] Ibid., 160–3.
[3] Lambton MSS., Dec. 16, 1833.
[4] Lambton MSS., Morton to Durham, 1831 and 1832 *passim*; Sharp to Durham, May 21, 1831.

attention a closer study of the labour situation, and out of this had emerged the organization of the Lambton Collieries Association in January 1833. This was a voluntary organization which provided old-age pensions and sickness and incapacity insurance out of a fund to which Lord Durham gave an amount equal to one-sixth of the total contribution. The fund was administered by a committee of management selected from the members. The eulogies of the *Durham Chronicle* and Miss Martineau may be suspected of partiality, but Francis Place expressed a similar if more restrained enthusiasm, and the fact that 1,200 men, more than half the employees of the Lambton collieries, became members during the first year is an indication of its success.[1]

Lord Durham's attitude to the labour unions is expressed in the following letter to Parkes:

> 'I am all for the "operatives" regulating their own property (i.e. their labour) as they think fit—but I am against their exercising powers of intimidation and punishment, which place all other tyrannies that I have ever heard of far in the background. One of the union practices here was to strip a recusant stark naked and flog him thro' a village before the eyes of women and children! The jobbing and corruption is monstrous —fortunately a book of their accounts has been discovered and placed in Miss Martineau's hands. In almost every instance the only parties benefited by the strike were the committee men, who enjoyed large salaries and did nothing but preach in alehouses. If this question is not seriously taken up a severe blow will be dealt to the manufacturing property of this country.'[2]

On January 12 (1834) Lord Durham celebrated the first anniversary of the Lambton Collieries Association by giving a dinner to the fifty members of the committee of management at Lambton Castle. In his speech, he said:

> 'How different is such a society from those illegal and mischievous Unions which lately disgraced and disturbed this district! Sad experience must have shown you that they effected but one object—that of enabling a certain number of cunning

[1] *Durham Chronicle*, Jan. 17, 1834; B.M. Add. MSS. 35149, ff. 276–7, Miss Martineau to Place, Mar. 28, 1834; ibid., f. 278, Place to Miss Martineau, Mar. 31, 1834; Lambton MSS., Miss Martineau to Durham, Jan. 29, 1834.

[2] Lambton MSS., Dec. 21, 1833.

and unprincipled men to live at your expense, whilst you were starving; and, at the same time, ruining the trade of the district, which, in many cases, has been transferred to other parts of the country. The laws of the land were violated—assaults and indecent outrages—nay, even murder,—were committed; and after perpetuating disturbance and confusion for months, and levying thousands of pounds from the industrious workmen, what was the result? Did wages advance? No: the very reverse! . . . The pretence of these Unions has been to raise wages—the real effect has been, not the advance of the rate of wages, but merely the support of those delegates, for a limited time, in idleness and luxury. . . . I explain all these things to you because I know you to be honest, well-meaning and industrious men. I know that your conduct, during the late disturbances, was most praiseworthy; . . . As for me, I shall stand by you to the last. You may be assured that I shall never grudge you the highest pay that the state of the trade will enable me to give you; and that, in all other respects, I shall watch over and protect your interests. . . . I request you to tell those whom you represent that it is my intention, in the summer, to meet the whole Association, in the same way that I have met you to-day; and, in the meantime, I earnestly entreat you to encourage, amongst your fellow workmen, habits of industry, sobriety, and religion—above all, give education to your children, and make them sensible of the evils of ignorance and the blessings of knowledge. I, on my part, have given directions to my agents, who are most anxious to second me in my attempts to promote your welfare and happiness, to encourage the formation of schools for the young and libraries for the old; and I can with truth assure you, that I shall spare no expense or trouble, in order to ensure to you all those advantages which may contribute to your individual comforts or to your general prosperity.'[1]

Francis Place became interested in Miss Martineau's pamphlet describing Lord Durham's labour organization, and promised to do everything in his power to promote its circulation.[2]

Harriet Martineau was at this time enjoying the first glow of that 'literary lionage' which she described so cleverly a few years later. A chronic invalid from infancy, deaf, deprived of the sense of taste, plunged in poverty, she had

[1] *Durham Chronicle*, Jan. 17, 1834. [2] B.M. Add. MSS. 35149, ff. 276–8.

set out to make her own way in the world with a good education, an inner gleam, and indomitable courage. She wrote and wrote to little profit of the worldly sort, nearly died of starvation, lived for a time on fifty pounds a year, had a book accepted by the Society for the Diffusion of Useful Knowledge which managed to lose the manuscript and apparently never paid her a penny. Then she sought to popularize the teachings of political economy and the political liberalism of the philosophical Radicals in a series of short stories. With these stories she went the weary round of publishers, until on the bleak frontier of total failure she at last found one who was willing to rush in where the discerning feared to tread. They sold ten thousand in a few months, edition followed edition, and Harriet Martineau was a literary lioness, courted by all the great people whom Francis Place damned in his crabbed class-hatred. At the end of her first year of fame, Sydney Smith said: 'She has gone through such a season as no girl before ever knew, and she has kept her own mind, her own manners, and her own voice. She's safe.'

Incidentally this brought relief to the young Princess Victoria, who was undergoing the most secluded and austere of educations, from which novel-reading was severely banned. Lord Durham, who was the friend and adviser of her mother, the Duchess of Kent, pointed out, in his most impressive manner, that these highly instructive stories of Miss Martineau were not as other novels, and the Princess was not only permitted but encouraged to read them. One evening when Lady Durham was at Kensington Palace, the young princess came running from an adjoining room to show her mother with delight the advertisement of a new series—the Taxation Tales.[1] How much of their liberalism the future Queen imbibed we cannot say. Certainly in these years Lord Durham's liberalizing influence on the Duchess of Kent was so strong that Tories sang 'God save the King' with an added fervour, Liberals looked forward to the accession of Queen Victoria as to a millennium, and men of all political persuasions believed that the new reign would bring in Lord Durham as Prime Minister. None could foresee that

[1] Harriet Martineau, *Autobiography*, iii. 81.

when that time came Lord Melbourne would capture the mind of the young queen, and that in a few months Lord Durham, achieving immortality in Canada rather than in Downing Street, would be engaged in a bitter quarrel with Her Majesty's 'dear, kind, Lord M.'. It was still more difficult to foresee that the minister who in 1832 would have thrown over the Reform Bill entirely would rise for a few months above the level of his *dolce far niente* career to give the young Queen lessons in constitutional liberalism that were to prove more instructive than Harriet Martineau's tales and that were to save the monarchy as surely as Durham was to save the Empire.

In the spring of 1834 Lord Durham, as the outstanding champion of the Dissenters in the House of Lords, presented a number of petitions for the removal of their disabilities. In the course of his speech on the 4th of March he said:

> 'They complain that they are excluded from the great public schools of the kingdom, and also from the Universities of Oxford and Cambridge, by the regulations that are established; while at the University of London, which is the only one accessible to them in England, they are prevented from obtaining degrees, owing to the want of a charter, occasioned by the opposition of the two Universities of Oxford and Cambridge. The reason why I call the attention of my noble and learned friend [Lord Brougham] to this part of the petition, is, that if there be any one part of his public life which more entitles him to the confidence and respect of the people of this country than another, it is that which he has devoted to the cause of public education; and when I reflect upon the very large share of support which he gave to the formation of the London University, I am quite confident that some obstacle beyond his control prevents that charter from being immediately granted; a right, however, that ought not to be any longer withheld.'

When the Duke of Wellington opposed a petition from the Dissenters of Cambridge, Lord Durham asked if 'the noble and gallant duke' would not have felt more sympathy for the Dissenters who desired to enter the professions of law and medicine if, as commander-in-chief of that

> 'glorious army which he led so successfully in the Peninsula, he had been controlled in the choice and employment of

officers, by being obliged previously to inquire whether they had subscribed to the Thirty-nine Articles? . . . The noble lord is apprehensive that the admission of Dissenters, upon an equal footing with the rest of their fellow-subjects, to the two Universities, might endanger the Church Establishment. . . . Does the noble lord mean to state, that the Church of England cannot exist without exclusive privileges? . . . If it is, as I believe it to be, one of the purest and best forms of religious worship that exists, it should require no exclusive privileges to uphold it. On the contrary, it should not avoid, in my opinion, encountering, on equal terms, all opposition, and ought to ask only for a clear stage and no favour. It is my firm persuasion, that the Church of England is suffering more by reason of her privileges, than she has ever derived benefit from them. They have unfortunately been regarded as a sufficient substitute for personal exertion. Those privileges have conferred upon her dignitaries high temporal power and wealth, while they have lost to them that pre-eminence which they might otherwise have possessed in the affections of those whose spiritual concerns ought to be their chief regard. Not having themselves attended to the lowly labours in the spiritual vineyard, they have overlooked the exertions of those who have been diligently sowing the seeds of a rich harvest for their own future gathering, and laying the foundations of a power which not all the energies of this House will be able to overcome. . . .'

In January of this year, 1834, Durham and Ellice had quarrelled, but a few days later they were fast friends again, and on March 24 they went to Paris together for a month. Durham's health had been bad, and that was probably the immediate cause of the visit. He made it his business to secure all the information he could on the commercial relations between the two countries, and had a number of interviews with influential merchants with a view to their improvement. He could never be idle. Although he was suffering constant pain, with 'a dry sort of fever' hanging over him, he gave nearly his whole time to this work when he was not actually confined to the house by his illness or fulfilling social engagements which could not be avoided. Lady Durham in the meantime was concerned because the change of scene was doing nothing for his health: 'My faith

is no longer very strong in anything but a sea and country life.' [1]

When Lord Grey resigned in July, each of the ministerial newspapers had its own candidate for Prime Minister. The *Morning Chronicle* vigorously advocated the selection of Lord Durham. But Brougham proved to be the king-maker and his choice was Melbourne. That meant the continuation of moderate policies. In such an administration there was no place for Lord Durham. Some concession was made to Durham's followers in the reconstruction of the administration. Of the old 'Durham and Co.', Ellice, Poulett Thomson, and Duncannon were members of the Cabinet, and E. J. Stanley became under-secretary to Duncannon. Stanley, who had been Durham's private secretary, and since that time a close political follower, wrote to him and secured his approval before he consented to take office.[2]

[1] Lambton MSS., Lord Durham to Lady Durham, Mar. 28, 30, Apr. 4, 6, 14, 1834; Lady Durham to Lord Durham, Mar. 29, Apr. 1, 11.

[2] Lambton MSS., E. J. Stanley to Durham, July 20, 1834. E. J. Stanley should not be confused with E. G. (Lord) Stanley,—afterwards Lord Derby,—Durham's rival of 1832, who seceded from the Grey administration in 1834.

XIII

THE QUARREL WITH BROUGHAM.—THE GLASGOW FESTIVAL.

Although Lord Durham had no connexion with the events which resulted in the resignation of Lord Grey, they were destined to have a marked influence on his career. A report was sedulously circulated by Brougham's enemies and very generally believed that the Chancellor had intrigued to thrust Grey aside. The report was false, but the members of the Grey family were bitterly incensed against Brougham. Durham's fighting blood was always easily stirred against any one who was making trouble for Lord Grey. Both in its actual genesis and in the public mind there was a close connexion between the story of Brougham's treachery to Grey and the outbreak of that dramatic quarrel between the two most striking figures of the political world—a quarrel destined to undermine Brougham's power, to break Durham's administration in Canada, and to afford a background of popular excitement for the publication of his famous Report.

Whatever else Henry Brougham was, he was the most remarkable man in English public life in the first half of the nineteenth century. Having learned to talk at eight months and mastered the art of reading at two years, from that time on his reading was voracious, his writing voluminous, and his speeches, public and private, the daily charm and wonder of an ever-expanding circle. At the age of seventeen he founded an Academy of Physics at Edinburgh, and contributed a paper on 'Light' to the Royal Society. A few years later he co-operated with Jeffrey and Sydney Smith in the early numbers of the *Edinburgh Review*. To the first twenty numbers he contributed fifty-eight articles covering a vast range of subjects. In the course of time he became the author of works on philosophy, history, mathematics, law, physics, education, theology, biology, and politics. While this onslaught on the field of universal knowledge was just beginning he left Scotland for London, won a brilliant law case of political import, entered Parliament, and before his first session was over was recognized as one of the greatest speakers who had ever stood in the House of Commons. After that briefs came thick

and fast, and for years his law practice yielded over eight thousand pounds a year. Championship of the English working man and the negro slave, and ambitious schemes for popular education, kept him before the public eye, and his triumph in the Queen's trial completed the process which made him the darling of the populace and the wonder of the educated. As Samuel Rogers put it, after seeing Brougham off from Panshanger: 'This morning Solon, Lycurgus, Demosthenes, Archimedes, Sir Isaac Newton, Lord Chesterfield and a great many more went away in one post-chaise.'[1]

He was possibly the most formidable debater in English parliamentary history. The Duke of Wellington drew up his Commons' ministers like an army squad and gave them strict orders that they must stand up to Brougham, and that whatever happened Peel must never speak before Brougham did.[2] Canning, who alone had been comparable to him, had feared him almost as much. Frequently speaker followed speaker through hours of boredom in an apparently endless debate, because Canning and Brougham were each waiting for the other to speak first. After Canning's death, Brougham was without a rival. He fell into an easy assumption of superiority which he carried with him into the Lords. Personal criticism might fly thick and fast behind his back, but few men dared attack him in Parliament. Not the least characteristic of his remarks was, 'I was afraid that when Londonderry was gone nobody would attack me, and I did not think Ellenborough would have been damned fool enough'.

Henry Brougham in society was no less remarkable than Henry Brougham in public life. His conversation fascinated

[1] The contemporary references to Brougham are altogether too numerous for citation. In several volumes of the Index to the *London Times*, refuge has been taken in the formula 'Brougham, Henry, see every day's paper'. There is a good account of Lord Brougham in Atlay's *Victorian Chancellors*, vol. i. Lord Brougham's Autobiography (*The Life and Times of Lord Brougham*, 3 vols., which I have cited throughout by its popular title 'Memoirs'), written at an advanced age when his memory was more confused than he realized, and Campbell's *Life of Brougham* are both unreliable. Mr. Aspinall's able work, *Lord Brougham and the Whig Party*, has appeared since the writing of this chapter.

[2] Ellenborough's *Diary*, ii, 413–14.

all ages and every degree and variety of intelligence. He passed easily from one topic to another with unabated eagerness and a wit that was second only to Sydney Smith's. (On one occasion when *The Messiah* was being rendered, Brougham's entry elicited the remark from Sydney that 'he appeared as counsel for the other side'.) If he frequently 'talked shop', it seemed as though his shop was as large and many-coloured as the world itself. All paid tribute to his fascination, and there was many a country house in which he was welcomed as heartily as he was disliked. He was the life of the Northern Circuit in its more convivial moods, and his anecdotes and French songs were a delight to the Sublime Society of Beefsteaks.

One fatal gift, that of the most caustic invective, frequently awakened terror in his contemporaries, but was doubly dangerous to himself. Sydney Smith tells us how in the days of their youth and that of the *Edinburgh Review*, he and Brougham sat all one night putting the finish on a review, 'looking whether there was a chink or crevice in which we could drop one more drop of verjuice'. While training in that school, and still unknown to fame, Brougham wrote the passage which awakened the embattled genius of 'English Bards and Scottish Reviewers'. He carried this gift of invective into Parliament and success stimulated its abuse. On one occasion he attacked the whole Tory side in language which aroused several to the thought of challenging him to a duel, while others averred that he was drunk. Revelling as he did in hard-hitting, when hit himself he sought every opportunity to deliver a counter-blow which would satisfy his sense of the artistic and of his own powers. That once achieved, he was all smiles again and willing to resume a friendship with as easy a manner as though it had never been interrupted. And if his pride had not been touched and no counter-blow were necessary, he quickly and gladly went three-quarters of the way to a reconciliation. His quarrels were many, but the charge that he was implacably malicious and spiteful was quite untrue.

In the circles in which he moved, stories of his brilliant strokes and mad freaks proved much more interesting than his solid contributions to human welfare. For an appreciа-

tion of the latter we must turn to the recorded sentiments of humbler men, and in them we discover why the people loved him. He did more than any man in his generation to arouse interest in and supply facilities for the education of the common people. The University of London, the Mechanics' Institute, the Society for the Diffusion of Useful Knowledge, the first parliamentary investigation into educational endowments, the first efforts for state-supported education of all children, were, under the hand of Henry Brougham, the harbingers of an educated England. Of his services to the cause of the abolition of slavery, it is sufficient to say that he did more than any other man to popularize it, by lending to it his own popularity and the power of his eloquence on countless occasions. And now as Chancellor he was in the midst of his reform of the Chancery Court. 'The iron mace of Brougham shivered to atoms the house of fraud and of delay.' He 'points his long, lean, skinny fingers and abuses fall at his very gesture'.[1] He created the Judicial Committee of the Privy Council, and heartily supported the Amendment of the Poor Laws. As a law reformer his suggestions permeated to every branch of the law. In his great analysis of abuses in 1828, Brougham spoke for over six hours and concluded with an eloquent plea for law that should be cheap, 'the inheritance of the poor' and 'the shield of innocence'. Mr. Atlay, who wrote with judgement and knowledge, stated that 'this speech may be said, without exaggeration, to have led to a greater number of beneficial and useful reforms than any other, ancient or modern'.

For these achievements he paid a tremendous price in industry. At one time he spoke glibly of studying nineteen hours a day.[2] He rose early every morning to work, attended to his correspondence at his meals, and frequently worked far into the morning hours after a full day's labour. The restless energy of his genius is attested by his two hundred

[1] The tribute of Sydney Smith. See Martineau, iii. 106. There has been a good deal of exaggeration about Brougham's Chancery reforms, but the exaggerations are much nearer the truth than most of the attempts at criticism. In the latter there is an unfortunate confusion between Brougham's substantial and permanent reforms and his own judicial qualities as a Chancellor. He was undoubtedly a bad judge.

[2] Broughton, *Recollections*, i. 165.

and twenty-one speeches in one session of Parliament. Yet, with all his abilities and achievements and his commanding position with the people,—and not a little because of them,—Brougham was the object of intense dislike among his associates of the ruling class. This was partly due to the fact that, like many brilliant men, in some respects he never grew up. He retained a childish love of mischief, a fondness for mad antics, a childish type of pride, a childish jealousy of all who threatened to share the attention and admiration lavished upon him, and a childish carelessness for truth and for promises. With these he combined a more mature love of intrigue for its own sake, the caustic habit referred to above, a conceit which frequently bordered on insolence, and an inordinate love of power. These failings were somewhat exaggerated in the minds of his contemporaries,—and of posterity,—and others were unjustly ascribed to him. For some of this he was himself to blame. He carried with him an atmosphere of exaggeration. He was altogether too clever. He was frequently unjust to others. But much was due to the conspiracy of circumstances. Prejudice was created against him by the fact that he came among these men of the ruling class as one who was not born to the purple. His rise was too rapid and his brilliance eclipsed too many ambitious men. He had the courage to reform the most conservative of the professions; this was resented by many honest lawyers and interfered with the designs and profits of less scrupulous ones. He ruthlessly revealed the 'irregularities' of pious people entrusted with public funds, and thus became the Beelzebub of the Pharisees. He gave too much of his patronage to Tories. Early in his parliamentary career he disgusted his associates by speeches which offended the taste of that decade, but which a modern judgement would consider salutary. He was believed on two occasions to be guilty of treacherous conduct of which to-day he can be honourably acquitted. And last, but not least so far as posterity was concerned, he failed to conceal his annoyance when Harriet Martineau's lap-dog jumped on him, quarrelled with Lord Durham whom she admired, stood in the way of Creevey's political advancement, constantly crossed the desires and prejudices of Greville, and,

as the latter confessed, wounded his vanity;[1] and he withheld the Mastership of the Rolls from Campbell, who later wrote the story of his life. So history, memoirs, and biography alike came to invest his memory with rancour.

And now in the autumn of 1834 this remarkable man faced a most serious situation in regard to the two things he loved most—power and applause. For reasons that are not very clear *The Times* opened up a series of violent attacks on Brougham. Under the shadow of the Thunderer, lesser guns of all descriptions began sniping at him. He was more the centre of attention than at any time since the formation of the Grey Government. But he knew that his popularity had been waning for some time, and he felt that his political power was insecure. His oratory was as powerful on a platform or in an after-dinner speech as it was in Parliament or a court of law. So he organized a series of dinners and platform meetings in Scotland.

His speeches on these occasions were brilliant and probably effective to some degree, but they provided plenty of ammunition for his political enemies and for critics in his own party. Brougham and Durham were both ahead of their fellow statesmen of that age in their appreciation of public meetings. It was not yet considered the proper thing for a cabinet minister—and especially a Lord Chancellor—to 'stump the country' in this fashion. The *Courier*, although frankly antagonistic to Brougham, probably reflected a fairly general feeling in political circles: 'There could not be a more revolting spectacle than for the highest law officer of the empire to be travelling about like a quack doctor through the provinces, puffing himself and his little nostrums, and committing and degrading the Government of which he has the honour to be a member. His Majesty could not but be indignant at such conduct.'[2] His inconsistencies were the talk of the day, but they were, no doubt, exaggerated owing to the vigilance and relentlessness of *The Times*. At Aberdeen and Dundee he advocated further reform, at Inverness he ex-

[1] It is true that Greville stated this as a reason for trying the more diligently to be fair to him, but I have no confidence in Greville's fairness to Brougham.

[2] *Courier*, Nov. 15, 1834.

pressed the opinion that the Government had done 'too much rather than too little'. In one place the House of Lords was praised, in another it was ridiculed.[1] An 'H.B.' cartoon represented him as a tight-rope walker employing all sorts of contortions to save himself from radicalism on the one side and conservatism on the other. With little enough of dignity at any time, he threw that little to the winds. Always the centre of gaiety and never quite grown up, he carried the fun so far in the great houses in which he was entertained that on one occasion the ladies hid in a trencher the Great Seal which he had taken with him, and the Lord Chancellor hunted it blindfold while the louder or softer playing of a piano informed him whether he was 'hot' or 'cold'.[2] The climax came at Inverness, where in a burst of exuberant familiarity he informed his audience that he was so pleased with the reception they had accorded him that he would write to the King before he retired that night and tell him all about it; he was sure that the King would be delighted. This shocked the feelings and enhanced the gaiety of the nation for several weeks. We do not know what the immediate effect upon His Majesty was, but it may be safely surmised that he swore a few round sailor oaths. All Britain watched eagerly to see what would happen at the Grey banquet at Edinburgh. But it was neither Brougham nor Grey that was to explode the bomb there. It was Durham.

The friendship between Brougham and Durham had gradually cooled from the time they took office together in 1830. Political differences probably had something to do with this, Brougham becoming more moderate in his politics and Durham following his liberal course with a consistency that must have seemed rash to Brougham. It was much more difficult for two such men to work together and maintain amicable relationships when they were in power than it had been when they were in opposition, a difficulty that was no doubt enhanced by Durham's increased popularity and importance in the political situation. There was no distinct break in their friendship, however, until the Grey banquet. They had their quarrels, as they had had them

[1] *Annual Register*, 1834, p. 335, and contemporary newspapers.
[2] See Campbell, *Lives of the Chancellors*, viii. 450.

before 1830, but they made them up again. Durham used some straight strong language to Brougham on the very eve of the introduction of the Reform Bill, because he believed that the latter was using his influence in *The Times* to attack Grey. At a later date a passing quarrel led Durham to refuse to attend a social function because Brougham was to be there. But Durham assumed that attitude at different times to several persons—Ellice, Lady Jersey, and others—with whom a few months later he was on the best of terms. In 1833 Miss Martineau, who hated Brougham, felt that the way some of the Chancellor's intimate companions spoke of Durham seemed to reflect jealousy of Durham's popularity on Brougham's part, and was hardly consistent with what was supposed to be a close friendship. When she was at Lambton in December of that year, her talk of Brougham's losing the support of the working men and of their feeling that he had betrayed them elicited from Durham the remark (in a voice that moved Miss Martineau deeply when she thought of 'Brougham's way of talking of him'): 'I have known Brougham long, and I believe that he has made many mistakes and that he will make many more. But it would grieve me to the heart to think that Brougham was false.'[1] In the summer of 1834 their relations in public were cordial enough. On August 8 Brougham in the House of Lords spoke in the most glowing terms of his friendship with Durham. But the cooling-off process, intensified by Durham's resentment at Brougham's supposed treachery to Grey, is revealed in the former's correspondence with Parkes. Parkes wrote to Durham on August 23 that he was greatly annoyed at *The Times* attack on Brougham. 'It is breaking a man essential to the popular cause.' Durham, in his reply, said that Parkes's defence of the Chancellor was very generous. If Parkes could save Brougham's reputation, he hoped the latter would make good use of it. His own experience had

[1] This is the only item of independent biographical value which can be gleaned from Miss Martineau's 'Confidential Memorandum . . . concerning the relations between Lord Durham and Lord Brougham' (Lambton MSS. Copy in Can. Arch. Durham Papers). Many of its statements are inaccurate, and the whole is distorted by her bitter hatred of Brougham and her hero-worship of Durham right through to its closing words, 'His death was his enemy's fearful retribution'.

been that when he had assisted him, the power so acquired had not always been applied in the most desirable manner.[1]

Then came the Grey Banquet at Edinburgh, September 15. Believing that Brougham had intrigued to force Grey out of office, the latter's friends and members of his family resented Brougham's presence there at all, not to mention his position as one of the chief speakers. Lord Grey himself would not accept that tale of treachery, although he apparently considered that Brougham's letter to Wellesley had not been quite fair to the Chancellor's colleagues in the Cabinet and that, in the tangle that followed, it had played its part in bringing about Althorp's and then Grey's resignation, in result, though not in intent.[2] Grey's letters to Brougham at this time were cordial, and he went out of his way to give him some good advice about the attacks of *The Times*. 'The only way with newspaper attacks is, as the Irish say, "to keep never minding". This has been my practice throughout life. There is nothing that answers the purpose of those who attack more than to answer them. . . . Time and conduct set these things right.'[3] The news that Brougham was to be at Edinburgh to do honour to Grey supplied the papers with fresh fuel. The *True Son* (Radical) announced that 'the Lord Chancellor will figure as principal white-pocket-handkerchief bearer and pronounce the eulogy. He will squeeze out an obstinate tear or two into his third glass of wine after dinner'. *The Times* said: 'Him whom he has slain with his own hand, he proceeds to bury with ostentatious honours, and fire a salute over his victim's grave.' Since there was to be a toast to the Chancellor at Edinburgh, it was suggested that an appropriate song would be:

'Who killed Earl Grey?'
'I,' said Lord Brougham,
'To be chief in his room
I killed Lord Grey.'[4]

The Grey Dinner was a grand occasion. Together with the great popular welcome which preceded it, it was, as a tribute

[1] Lambton MSS., Aug. 23, Sept 2, 1834.
[2] See Trevelyan, pp. 364 n., 392; Brougham, *Memoirs*, iii. 291.
[3] Brougham, *Memoirs*, iii. 278, Aug. 24, 1834.
[4] *Times*, Aug. 22, Sept. 4, 12, 1834.

to a public man, unprecedented in that generation. The banquet-hall was 'like one of the creations of the Arabian Nights. The whole was lighted by gas'.[1] Hobhouse said: 'It was the finest sight I ever witnessed. Lord Durham and the Duc de Richelieu, both of them somewhat fastidious judges, confessed it was magnificent.' Fifteen hundred and sixty sat down to dinner and several hundred came in after the dinner. As the ladies filed into the galleries, an ovation was tendered to Lady Grey, and Hobhouse 'saw the tears come into Lord Grey's eyes'.[2]

When Brougham rose to speak there was some cheering, but it was noted that not a handkerchief fluttered from the gallery where the Grey ladies (including Lady Durham) sat. He made a bad speech. He boasted of his devotion to the cause of the people and his adherence to principle. He said that his hands were clean and he displayed them to the assembled multitude (whereupon several who were sitting close to him remarked that they were very dirty). To employ this occasion designed in honour of Lord Grey to praise and defend himself was anything but good taste. He stated that the Government should promote the progress of liberal opinions, but it should not proceed faster or farther than mature deliberation entitled it to go.

> 'There are some men, I know,—nay a great number,—honest and conscientious men, I have no doubt, men generally speaking of sound opinions, but somewhat unreflecting, who think action and execution everything, and all the time that is spent on deliberation thrown away. . . . We shall go on in our course heedless of the attacks of these hasty spirits. . . . They would travel to the object which they have in view, but they are in such a hurry to get at the goal . . . that they will not wait to see whether the linch-pin is in the wheel. . . . I wholly respect the good intentions of these men . . . but when they ask me to get into their carriage, I must decline to accompany them.'[3]

Durham followed him. After fervently eulogizing Lord Grey and urging an immediate programme of progressive reform, including the extension of the suffrage, he said:

'I am aware that there are men who feel considerable appre-

[1] Cockburn, *Journal*, i. 66. [2] *Recollections*, v. 10, 11.
[3] *Times*, Sept. 17, 1834.

hension from the increasing privileges given to classes who have not hitherto enjoyed them. I feel no such distrust. They have proportionally as much at stake as we have; they are as much interested in the preservation of tranquillity as we are. I look at their industry and intelligence, and I repose with perfect confidence in their conduct; but, be that as it may, I contend that it was necessary that the experiment should be made. In early times, government went on without the people; in the next period, it went on in despite of the people; and now the experiment has been tried, whether it cannot go on with the people. In my conscience I believe that it will and that you may depend on their cordial and affectionate co-operation, in preserving all institutions most valuable to the country. One word more, and I have done. My noble and learned friend, the Lord Chancellor, has been pleased to give some sound advice to certain classes of persons, of whom, I confess, I know nothing, except that they are persons whom he considers as evincing too much impatience. *I will freely own to you, that I am one of those who see with regret every hour which passes over the existence of acknowledged but unreformed abuses.* I am, however, and have no doubt you are also, willing to accept their correction as deliberately as our rulers would wish; but it must be upon one condition, that every measure be proposed in strict conformity with the principles for which we have ever contended. I object to the compromise of principles. *I do not object to the deliberation with which reforms are conducted; but I object to the compromise of principles.* I object to the clipping and the paring, and the mutilating which must inevitably follow any attempt to conciliate enemies, who are not to be gained, and who will requite your advances by pointing out your inconsistency, your abandonment of your friends and principles, and then ascribe the discontent created in our own ranks, by these proceedings, to the decay of liberal feelings in the country. Against such a course of proceeding I must ever protest, as pregnant with the worst consequences, as exciting distrust and discontent, where enthusiastic devotion is necessary; as creating vain hopes, which never can be realized; and above all, as placing weapons in the hands of those who will only use them for our destruction, and that of the great and important interests committed to our charge. With this frank and free exposition of my sentiments, which I have never concealed wherever I have been, and which I never will conceal, I beg to state, that I am ready to grant the admitted extent in deliberating which my noble friend and the Ministers may

require; to place confidence in their declarations of this night, which I am sure will give an earnest of tranquillity to the country, which perhaps it does not now possess; and to afford them that support which an humble individual like myself can give them.'

It has been generally assumed in recent times, if one may judge by the references to it in historical works, that what happened at the Grey banquet was that Brougham launched an attack on Durham and the latter made a fiery reply. It is difficult to understand how any one who had read the speeches could have arrived at such a conclusion. There was no reference to Durham in Brougham's speech. His words would apply to hundreds of Englishmen active in politics, and though in a sense Durham might be considered their leader it is probable that Brougham was not thinking of that fact at the time and practically certain that he had no intention of beginning a heated personal controversy. The newspapers did not interpret Brougham's speech as an attack on Durham. Even the *Spectator*, which was most favourable to Durham, stated that 'Lord Brougham delivered at Edinburgh what was, and what was felt to be, an insidious speech against the great body of Reformers. Lord Durham was not personally attacked, but the Reformers of England were ill-used by the Chancellor'.[1] In spite of his extreme sensitiveness Lord Durham did not at any time, either in his public utterances or in his private letters, suggest that Brougham attacked him at Edinburgh.

There were many, however, including the Chancellor himself, who interpreted Durham's speech as a violent attack on Brougham. Durham said in a letter to Parkes, 'I was not personal'. Certainly he referred to the Chancellor by name, and the following part of his speech was a direct reply to Brougham's. But Durham's quarrel, to which he gave so frank an expression, was not with Brougham personally, but with all of those whom he later described as 'timid Whigs', those to whom the Reform Bill was a 'finality', those who had put their hands to the plough and were turning back rather than pressing forward to the democratizing of England. He shared, no doubt, the family feeling of the moment,

[1] *Spectator*, Oct. 18, 1834.

and his personal attitude was coloured by the old chivalric impulse to defend Grey, which had led him to quarrel with Brougham on other occasions, to fight a duel, and to wage a spirited election campaign against a personal friend. But his main motive was political. He had long been disgusted with timid moderation, with 'clipping and paring', and with what, in our day, is described as 'pussy-footing'. His patience had broken down at last. So long as Lord Grey had been at the head of the Government he had been restrained by reluctance to say anything that might be interpreted as a criticism of him. Now that restraint was removed. Brougham's recent speeches had provided a new irritant, and his Edinburgh speech produced the last insupportable twinge.

So began the historic quarrel which was to give the *coup de grâce* to Brougham's political power, destroy Durham's authority in Canada, and provide that dramatic setting which gave effectiveness to Lord Durham's empire-making Report. The above account of its beginning, as compared with the traditional one, may sound prosaic to those to whom truth is less interesting than fiction. Lord Durham himself said, 'I did not start it', by which he meant that Brougham started it by taking offence at a speech that was quite inoffensive. Durham had been in the habit of employing that sort of language, frank, straight-forward, vigorous, pungent but not abusive, to those with whom he conscientiously disagreed, even when they were his best friends. He saw no reason why it should affect personal relations. But most people judge such language in a different manner. Men who act differently from others must pay the price for it, and the more heroic the difference, the greater the price. Admire him as we may for acting as he did, we must recognize that Durham went more than half-way in creating his own difficulties.

Brougham, usually thick-skinned, was in a sensitive state. Feeling his political power slipping from him, subjected for weeks to the most virulent and concerted abuse that he had ever encountered, falsely charged with treachery to his veteran leader, he found himself at the Grey Banquet in a position embarrassing even to him. He believed that he had carried the occasion off. Then came Durham, slashing

into him, accompanied by applause that swelled with every sentence. Many who did not agree with Durham cheered because he was attacking Brougham and because they admired his outspokenness. That what seemed to Brougham a direct attack on himself should be so received was humiliating enough, but there was added to it the consideration that it was Durham, who had been stealing his popularity for several years, who was carrying off that lion's share of the applause, to which Brougham had become so accustomed. To his mind, too, much of Durham's speech was quite unfair, and it followed a campaign of injustice within the party, with which, if not Durham personally, at least his friends and relatives had been most closely associated. At a public meeting at Salisbury, Brougham stated his case against Durham and challenged him to fight it out on the floor of the House of Lords. Miss Martineau, by the way, states in her 'confidential memorandum' that Brougham 'rushed down to Salisbury and there displayed his wrath and mortification in a speech. . . . It was before the railway days, and Lord Brougham travelled as rapidly as possible from the Banquet gathering to Salisbury'. Since the Grey Banquet was held September 15 and the speech at Salisbury made October 10, Miss Martineau's statement is as remarkable as the speed she ascribed to Brougham.

In a succession of political speeches in the Midland counties, Brougham's references to Durham were frequent and vigorous. Public interest was aroused throughout the country, and *The Times* expressed its delight in the following terms:

> 'When a whale has been wounded in the northern seas, it often is found afterwards in more southern latitudes, rolling and tumbling, and writhing in agony, unable to shake from its festering carcase the barbed and inextricable harpoon. So the extraordinary fish harpooned at Edinburgh some weeks ago, has already spouted forth brine and bitterness on the Avon, and will ere long, we fear, be caught floundering within the estuary of the Thames.'[1]

In the *Edinburgh Review* for October 1834, there appeared an article entitled 'The Last Session of Parliament', which was interpreted as being another volley in the battle between

[1] *Times*, Oct. 13, 1834.

Brougham and Durham. It began by pointing out how the Reform cause might be injured by its too hasty friends. There followed a review of the session of 1833–4 as illustrating the importance of careful consideration and preparation, and exculpating the Government from the charge of doing too little. Frequent reference was made to the Lord Chancellor and his legislative achievements. Attention was then called to Lord Durham's speech at Edinburgh.

'Let us ask how Lord Durham of all men can object to what he calls *compromise and clipping*; he having, in 1817[1] brought forward a large plan of parliamentary reform, the result of much deliberation, held by him necessary to save the State, and afterwards . . . acceded to a plan not going a tenth part so far,[2] but one more practicable, and in which others, in and out of the Government, could be brought to concur, as assuredly as they never would have done in that of the year 1817? Who blames Lord Durham, who even of the select few who voted and would have voted with him in 1817, complains of him as compromising with the enemy, abandoning his principles, or clipping his measure? He acted like a wise and an honest man, —one who really cared for his opinions, and was anxious to promote the success of the cause he espoused,—and who, prizing this far above all paltry considerations of personal vanity, only desired to see as much, and as beneficial reform carried as he could. [Later he had accepted the change to the ten-pound franchise, the Chandos amendment, and the retention of the freeman franchise.] We venture then, with all respect for Lord Durham, to suggest that it was as plain an act of "clipping", as distinct a "compromise" as any man can figure to himself; and that it was a clipping and a compromise made with the design of gaining over enemies; and that advantage was taken of delay,—of opportunity to deliberate,—precisely in the way against which Lord Durham now so vehemently protests. Then why did his Lordship submit to this? Why did he prefer the Bill thus "clipped" to no reform at all? Because he was a man of sense, a practical statesman, a sincere reformer. . . . But Lord Durham, in his vehement love of whole and entire measures, and his impatience of "every month that passes" without something being done, chose to read a lecture against "clipping", and, above all, against

[1] A mistake for 1821.

[2] Reference to our account of the preparation of the Reform Bill will make clear the error and exaggeration contained in this statement.

making use of the time taken for digesting any measure, in order to make it acceptable to such a number of persons as may suffice to carry it through Parliament. [He and his friends] look down from this elevation of pure, rigorous, unbending principle, on which they are pleased to plant themselves, with an amazing self-complacency, upon the rational, practical, and consistent men, who have disdained to commit no such vagaries; thanking God that they are not as others are,—clippers, compromisers, men of expediency!'[1]

Care has been taken to quote fully what this article said about Lord Durham, because it has been very much misunderstood. Modern books refer to it as a vicious and grossly unfair attack by Brougham on Durham's character. The article was unfair to Durham in view of his having been the champion of the £10 franchise and having strongly opposed the alterations in Schedule B and the retention of the freeman franchise, going so far in the latter case as to precipitate the most violent of his quarrels with Lord Grey. After the Bill passed the Commons he vigorously opposed compromise and urged a sufficient creation of peers to carry the measure intact. But neither the writer of the original article nor the modern writers who have commented on it knew the full story of Durham's relation to the Reform Bill, which is told for the first time in earlier pages of this book. The article did not charge Durham with 'bad faith'. It did not condemn his conduct in 1831. On the other hand, it could gain its point only by commending it. It was a clever *ad hominem* argument, not very careful about its facts.

But to Durham's extreme sensitiveness, anything *ad hominem* was an offence. His wrath blazed forth, and nothing could convince him that Brougham was not the author of it, or that he had not wilfully maligned him. He was fortified in his assumption regarding the authorship by the fact that his friend, Poulett Thomson, told him that he 'recognized in the *Edinburgh Review* many of the expressions which Brougham had used to him when he saw him at Brougham after the Edinburgh Dinner'.[2] The article might still have been written by some person whom Brougham coached for

[1] *Edinburgh Review*, lx. 230–51.
[2] Lambton MSS., Durham to Lady Durham, Oct. 27, 1834.

the purpose or Brougham might have used these expressions to some one who remembered and repeated them without his knowledge. The general style of the article is not Brougham's. But it is altogether probable that he inspired it.

Lord Durham wrote to the publishers of the *Edinburgh Review*, October 18, protesting against the unfair introduction of his name. If the information in regard to the Reform Bill came from a member of the Grey Administration, he was guilty of gross misrepresentation. If not, 'I have a right to complain of your having published charges against my public character grounded on assumed facts and circumstances'.

Lord Grey wrote to Lord Durham, October 19, deprecating the whole controversy and suggesting that the matter be allowed to rest with Durham's letters to the publishers. That suggestion, however, was far from the intentions of either Durham or Russell. Russell wrote to Durham on the 19th his account of the preparation of the Reform Bill. Durham replied on the 21st with his statement on the preparation of the measure. Russell suggested that Lord Durham as chairman of the Reform Bill Committee should make a statement in the Lords based on these letters and that he (Russell) should make a similar statement in the House of Commons. But Lord Grey disapproved of this so strongly and argued so reasonably that cabinet secrets of that sort should not be made public at all, that the intention was abandoned. The letters were not published until very recently, and Lord Durham's letter is published in full for the first time in this book. They are among the most important sources of information on the preparation of the Reform Bill and have been fully discussed above.[1]

Durham wrote to Parkes:

> 'The Government have declared war on me through their mouthpiece, the Chancellor, and I must buckle on my armour. I will accept his challenge at Westminster,—but he shall hear of me first a little farther north. . . . Surely he has bullied, and lied, and humbugged long enough. Is the day of retribution never to come? He shall find me an awkward customer too,

[1] Lambton MSS., Russell to Durham, Oct. 19, 25, Nov. 7; Durham to Russell, Oct. 21, Nov. 7 (copies); Grey to Durham, Oct. 31.

if once I get him on the ropes. I shall not let him drop till I have made him feel what a north-country blow is.'[1]

Durham had plenty of opportunities to 'buckle his armour on'. On October 3 he was presented with the freedom of the borough of Dundee, a great 'festival' was prepared for him at Glasgow for the 29th, and after that offers of complimentary banquets and other demonstrations came thick and fast. His Edinburgh speech had been exceedingly popular, and the words 'I am one of those who see with regret every hour which passes over the existence of acknowledged but unreformed abuses' were printed on broadsides and inscribed on banners all over the kingdom.

At Dundee in a large open-air meeting the Provost said that they owed the Reform Bill largely to 'the independent, unflinching, and manly exertions of Lord Durham'. Durham, in reply, referred directly to Brougham's words at Edinburgh:

> 'The representation of the people is not perfect. . . . We have been told that *there is danger of going too fast, and of acting without due deliberation.* Now, while I admit that every measure should be well considered, since due consideration alone is effectual, I cannot see why time should be lost in beginning to deliberate. I cannot see why, instead of immediately deliberating, we should stop in our progress. . . . The support of people of wealth and high blood, is not alone sufficient for the accomplishment of these objects. But, supported by the working classes of the community, without whose aid I can be of no use, I have no doubt that this country can be raised to a far higher pitch of prosperity than it or any other country ever yet attained.'[2]

At first he hesitated about accepting the Glasgow invitation. The demonstration bade fair to outdo that accorded to Lord Grey at Edinburgh, and he did not care to take the edge off that compliment, but he finally decided that 'the invitation is not to be refused and I rather want another occasion of putting forth the right and true doctrine.'[3] Two of his closest friends felt nervous about it. E. J. Stanley felt that he had better leave well enough alone. 'Nothing you could do would make you stand higher in Scotland than

[1] Lambton MSS., Oct. 16, 19, 1834.
[2] *Times*, Oct. 10, 1834; J. Reid's collection of speeches, pp. 350–2.
[3] Lambton MSS., Lord Durham to Lady Durham, Sept. 22, 30, 1834.

you do at present.' To Parkes, Durham wrote: 'Don't be afraid of me at Glasgow. He who is determined to speak the truth and has no sinister or selfish objects can never go far wrong.'[1] Perhaps Stanley and Parkes were both afraid of Durham announcing his policy in detail. Politicians have always revelled in general statements. Advocacy of further reform in Parliament in the interests of popular government had captured a strong following. To say precisely what the reforms should be might lose much of it. But Durham was not that type of politician; he was working for the future.

The Durham Festival at Glasgow was held on October 29. It had been arranged by a group of liberal Whigs and moderate Radicals, and there was an enthusiastic popular response. Lord Durham was met some distance outside the city and brought in at the head of a procession. Crowds lined the route of march for a distance of two miles. One of the banners bore the Lambton family motto, 'The day will come'. The crowd took up the words and passed them vociferously along the line of procession as an omen of democracy. In front of the Justiciary Hall he was presented with the freedom of the city, and in reply he took occasion to disclaim the main credit for the Reform Bill. 'It is to one man and one man alone that the country owes Reform —and that man is Lord Grey.' The generous honesty of this statement can only be appreciated when it is realized that throughout the country this Durham boom was being supported by the assumption that the exclusive merit of the Reform Bill belonged to Lord Durham. It was his first utterance on this day when all eyes were turned toward Glasgow. The number of reporters gathered from all parts of the kingdom was greater than at any previous event in Scotland.

The freedom of Glasgow was followed by the freedom of Perth. After responding, Lord Durham proceeded to the hustings on the Green where 120,000 people had gathered to hear him speak. The working man chairman stated that they 'were met to do honour to one whose whole life had been dedicated to the cause of his country and the best interests

[1] Lambton MSS., Sept. 27, Oct. 27, 1834.

of his fellow men—whose rank did not prevent him from working for the poorer classes'. Then came a congratulatory address from the United Trades of Glasgow.

In his reply Lord Durham paid a compliment to the Scottish character. 'To the enthusiasm of other nations, you add that quiet steadiness of purpose, that firmness and stability of character, which, conscious of innate strength, makes you disdain, in pursuing a great object, the adventitious aids of violence and clamour.' He made an enthusiastic speech, declaring himself in favour of household suffrage, triennial parliaments, and the ballot.[1]

Addresses were presented to him in turn by twenty-one municipal, political, and labour organizations, and he spoke briefly in reply. So large was the crowd that it was necessary to speak again from the other side of the hustings. The procession then proceeded through the principal streets to the George Hotel, Lord Durham walking with the magistrates of the city. When they arrived at the hotel he was quite fatigued, but the crowd called for another speech, which he made from the steps, expressing confidence in the ultimate victory of the people in their struggle for political rights.

At six o'clock began the great Durham Dinner. Seventeen hundred sat down to the dinner at twenty-two long tables. The programme was as imposing as the number of diners. There were thirty-nine toasts, twelve of which were to be given by the chair. The first were 'The King', 'The Queen', 'The Princess Victoria', 'The Duke of Sussex and the Rest of the Royal Family', 'The People—the Only True Source of Political Power', 'Lord Melbourne and His Majesty's Ministers, and we trust that their practice in power may be in accordance with their principles in opposition'. Then came 'The Earl of Durham', proposed by the chairman, who spoke of Durham's consistent career as leader of Reform. A glee party rendered a song prepared for the occasion:

> Welcome, Durham, to our land,
> First of Freedom's sacred band!
> Round thee, all unflinching stand
> The children of the free.

[1] J. Reid's collection of speeches, *Glasgow Chronicle*, Oct. 30, 1834; *Glasgow Liberator*, Nov. 1, 1834.

We're the sons of those who stood
Firm in many a field of blood,—
Douglas, Wallace, unsubdued—
And we bid thee hail.

Pledge high to freedom's sacred cause
The King, our altars, and our laws,
The Press, our homes, our wooden wa's,
Lord Durham and Reform!

Lord Durham stated that though subject all his life to bitter attacks from the Tories, the only attack from Liberals had come from the capital of Scotland. He defended himself in detail from the charges of the *Edinburgh Review* article, explaining his limitations in so doing by reading Lord Grey's letter disapproving of the discussion of Cabinet secrets. Then he entered the broader field of national politics.

'We have to require the perfecting of the Reform Act. We have to require the repeal of the Septennial Act. We have to require the purification of the Church establishments of England and Ireland from all acknowledged abuses. We have to demand the reform of corporation abuses in England and the strictest continuance in economy and retrenchment. . . . I would not accept the highest office in the gift of the Crown; I would not even receive the warm enthusiastic approbation of you, my fellow-countrymen, if either were gained by the concealment of a single opinion, or by the compromise of a single principle. I am, moreover, determined that my opinions and principles shall be known and judged of from my own representations of them, and not from any false and interested description of them by others. By one party, I am denounced as a destructive; by another, as patronizing the impatience of the people. Now, my opinions are neither the one nor the other of these. I know too well the artificial and complicated state of society in this country, the absolute necessity of public confidence in the permanence of tranquillity, and the danger which arises from the interruption of the peaceful working of our commercial machinery, to propose any measure which should impede the flow of national industry and the regular operations of trade. But it is because I wish to see tranquillity permanent, industry protected, commercial energy encouraged, that I advocate the necessity of an immediate and salutary reform which will remove discontent before it has time to ripen into turbulence. . . . Now as to the charge of impatience.

It has lately been brought against us by one most eminent person in no very complimentary terms. But I will not follow the example which he has set us, and nothing shall fall from my lips inconsistent with his high station and his former services in the cause of his country. He has been pleased . . . to challenge me to meet him in the House of Lords. I know well the meaning of the taunt. He is aware of his infinite superiority over me in one respect and so am I. (Cheers and cries of "No.") He is a practised orator and a powerful debater. I am not. I speak but seldom in the House of Lords, and always with reluctance in an assembly where I meet with no sympathy from an unwilling majority. Do not, gentlemen, misunderstand me when I speak of that majority. They differ from me conscientiously, I know that. They have been brought up to believe that all that we ask for is dangerous to the institutions of the country. I know it and I regret it, but I will not on that account impute to them improper motives. He knows full well the advantage that he has over me. He knows that in any attack which he may make on me in the House of Lords he will be warmly and cordially supported by them. With all these manifold advantages, almost overwhelming, I fear him not; and I will meet him there, if it be unfortunately necessary to repeat what he has been pleased to call my criticism. And yet, without being suspected of fear, may I hope that these criticisms may be rendered unnecessary? Many of his colleagues were my intimate associates in office and many of them are my private and intimate friends. Lord Melbourne, the Prime Minister, I believe to be an honest, straightforward statesman, incapable of intrigue and treachery,[1] and too clear and enlightened not to see the course which events are taking, and how absolutely necessary it is to comply with the general demand for reform and improvement. . . .

'I have already alluded to the difficulties in which the Government has been placed. . . . We have a liberal administration . . . and yet we have ministers surrounded in every department by Tory subalterns. The patronage of the Army and of the Church is exercised by Tories for the benefit of Tories. All appointments by bishops, by judges, by magistrates, and by lord lieutenants are Tory. . . . In short, the instruments through which the liberal measures of a liberal government are to be carried into effect are anti-liberal. . . . On whom, then, should they rely? . . .

[1] This was greeted with sustained applause. The audience undoubtedly took this to be a reference to Brougham, whom Lord Durham believed to be the destroyer of Lord Grey's Administration.

> Upon the people, who have once before borne them triumphant through all their difficulties. . . . I ask you to drink a sentiment which I adopt most loyally and most faithfully:—"May the recollections of the glorious struggle for Reform during the last half century ever animate Britons in the demand for and in the maintenance of their rights".'

While this was his principal speech, he was to make four others before the evening was over. He responded to a toast to the Countess of Durham, proposed one to the provosts and magistrates of Glasgow, one to 'the working classes' and another to 'The French people, the extension and consolidation of their liberties and the increase of their friendly relations with the British nation'. The greater part of this last speech was devoted to a discussion of the possibilities of further developing the commercial relations between the two countries. He had a few days before gone carefully over his material on this topic with Poulett Thomson, who gave him some important facts and figures.[1] He expressed the hope that 'the time was not distant when such an addition would be made to the commercial intercourse of France and England as would prove an effectual bar in the way of war, and unite the two nations in the firmest bonds of peace and friendship'. There again spoke the representative of the Industrial Revolution, the disciple of the Foxite Whigs and harbinger of the Manchester school.

The titles of some of the other toasts are indicative of the sources of inspiration as well as the aims of the British ultra-liberalism of that day: 'The Memory of Charles James Fox', 'The Reform of English and Irish Municipal Corporations', 'Ireland, may her liberties be restored and her grievances be redressed', 'Free Trade in corn and the abolition of all commercial restrictions', 'The abolition of taxes on knowledge', 'The free states of America', 'The memory of Franklin, Washington, and Jefferson, who vindicated the principle of no taxation without representation', 'The progress of liberal principles in the despotic states of Europe'.

Lord Durham had spoken eleven times that day, he had walked for miles under a blazing sun, and his feelings had

[1] Lambton MSS., Durham to Lady Durham, Oct. 27, 1834.

been strung to the highest pitch throughout. He asked permission to retire before the dinner was over. Crowds had waited outside the banquet hall into the early hours of the morning to cheer him on his way to the hotel. Once arrived there, he was plunged into thirty-six hours of unremitting pain. Medical attention was summoned next day and his friend, Arthur Kinnaird, had to meet the succession of delegations that waited on him.[1] 'It was one of my worst attacks in my head,' he wrote to Lady Durham on Friday. On that day he was still confined to the house but was able to receive a number of delegations.

Invitations had already begun to arrive for similar dinners in other cities. On account of the state of his health he refused Belfast and Manchester, but he accepted that of his 'neighbours at Newcastle'. The north country was aroused, and his return journey to Lambton was a succession of ovations. He wrote to Parkes eight days after the Glasgow Festival:

> 'I returned home last night very much shattered by the campaign. I had to go through a continual fire of addresses, freedoms, &c., on the road home. Every town and council turned out. On Monday morning at eight the magistrates at Lanark presented me with the freedom of the town. Speech 1. The Trades with an address. Speech 2 (open air). At Biggar (the next stage) an address from the inhabitants. Speech 3 (open air). At Peebles—next stage—address from the magistrates, &c. Speech 4. At Melrose (the next stage) I found a dinner just taking place of four hundred of the Reformers of Roxburghshire, with Sir David Erskine in the chair. Nothing would satisfy them but my dining with them. I could not find it in my heart to refuse them, so stayed three hours in a room in which the thermometer must have been at 90. Speech 5. All this delayed me so long that I was obliged to sleep at Kelso (the next stage). At half-past seven next morning, as I was about to slip away, in marched the magistrates with an address, &c. Speech 6!!! Here I am quite knocked up, and shall act on the "do little" or "do nothing" system for a few days in order to unbend the mental bow a little. I fairly own that I did not think I had so much in me, but I also think that much drawing on the fund would kill me.'[2]

[1] Lambton MSS., Lady Frances Lambton to Lady Durham, Oct. 30, 1834.

[2] Lambton MSS. Also given in Reid, i. 397–8.

These speeches were similar in tenor to those given at Glasgow. At Chillingham he was joined by Poulett Thomson, who accompanied him to Lambton. A week after their arrival Durham had not yet recovered from the day at Glasgow and found it impossible to accept invitations to public dinners in his honour.[1]

Poulett Thomson approved of his speeches at Glasgow. Parkes thought that he did not go far enough. But Thomson and Parkes represented the middle class. In his own order, even among his closest friends, Durham's declarations met with unanimous condemnation. Lord Grey wrote: 'I am unwilling to advert to anything that has given me so much pain as the Glasgow dinner. But I think it right not to conceal from you that if those three points, to which you appear to have pledged yourself, should be brought into discussion in the House of Lords, I shall be under the necessity of expressing my dissent from them.' Lord John Russell wrote a few days later: 'Lord Lansdowne has been of late very apprehensive of any adhesion to what you would call the popular and he the democratic tendency. And I must say your morning gun at Glasgow has alarmed many others, myself among the number.'[2] But naturally one does not find the severest condemnations in letters addressed to Durham. His brother-in-law, Lord Howick, in writing to his brother, Charles Grey, expressed frankly what, no doubt, many of his friends thought. Howick regarded Durham's speeches at Glasgow as gross demagogic bids for popular support at any price. He used the phrase 'Lambton and Co.' as a contemptuous epithet for the Radicals and their rabble.[3] To us, at this distance and with a full view of Durham's life before us, his sincerity is transparent. But to his brother-in-law in the year 1834 it was self-evident that any member of the ruling class who publicly advocated vote by ballot and the extension of the franchise to every rate-paying householder in England, and who spoke of government by the people as Durham did, was imperilling the foundation of society, and must be either a fool or a demagogue; he knew that he was not a fool. Charles Grey, who always admired

[1] Lambton MSS., Durham to Parkes, Nov. 12, 1834.
[2] Ibid. Nov. 7, 11, 1834.
[3] Howick MSS.

Durham, sympathized with him more than Howick did but could not agree with him. Their correspondence helps us to understand how trying it was for this high-strung, sensitive, pain-racked man to lead the vanguard of Reform in advocacy of those measures which Bright and Gladstone forced into actuality in the next generation.

On November 13 came the resignation—or dismissal—of the Melbourne Ministry.

While the country was waiting for Peel to form his Conservative Government, the Durham Dinner was held at Newcastle on November 19. On the previous day Durham had been too ill to receive addresses in person, but at the dinner he made a spirited speech. He defended himself against the constant misrepresentations of his political enemies. 'If I had been the proud aristocrat that it has been the pleasure of some to call me, should I have had both in public and private the support and friendship of all classes, from the highest to the lowest? . . . Besides, I know that there is as much sound sense, as much true honour, and as much real independence to be found under the coarse working-jacket of a mechanic as beneath the ermined robe of the peer.' These words were considered so unusual at that time that they were quoted in popular gatherings from one end of the country to the other. His declaration on household suffrage, shorter parliaments, and the ballot were repetitions, frequently verbal repetitions, of his statements at Glasgow. And, as at Glasgow, he sought, while enunciating these policies, to hold together in a permanent alliance the moderate, liberal, and radical Reformers.

> 'I have observed that opponents have already put forward two rallying cries, the first of which is, "The Church is in danger!" What, I ask, do they mean by the word "Church"? If by it they mean clerical sinecures, pluralities, non-residence, and those disgraceful inequalities which exist in the payment of the working clergy—if these are the things they mean by the word "Church", then must I confess that the Church is in danger—very great, very serious, and very imminent danger! But if by the word "Church" is meant real religion, the pure doctrines of the Protestant faith—if, as I believe, it means the congregation of the faithful—if it means the maintenance of

the true and working ministers of religion, then I say that the Church was never in less danger and never better supported. I will venture to say that at no period of the history of this country were religious principles more widely diffused than at present. I would appeal to the clergy themselves whether such be not the fact. I am glad, indeed, to find that it is so, convinced as I am that no country can ever flourish without religion being deeply impressed on the minds of the people, affording as it does the best security for tranquillity in worldly matters, as well as for eternal happiness hereafter. Another cry is, "The monarchy is in danger!" From whom? I look around to the north, the south, the east, and the west, and I never hear a word uttered bearing the semblance of the shade of a shadow of an objection to monarchical institutions. . . . Neither of these two cries is well founded; neither the Crown nor the Church is in danger. But I will tell you what is in danger—The Oligarchy! . . . The Reform Bill gave them a death-blow; and now they are about to try a last struggle to endeavour to regain that power which it wrested from them. . . . Gentlemen, I have alluded to the rallying cries of the enemy; may I venture to tell you what ought to be ours? Let ours be reform, liberty, and the constitution! Let us throw aside all petty differences, and be prepared for the coming struggle. Let us form associations in every town, in every village in the empire. . . . The last words that I have uttered naturally prepare you for the toast that I am about to give, and which I am sure you will receive with the same hearty and cordial cheers with which you received the health of that hope of the country, the Princess Victoria. I call upon you, as my learned friend, the chairman, then called upon you, to receive with true British cheers the toast I now give you, namely, "Union amongst all Reformers".'[1]

This speech was printed in pamphlet form, and within ten days of its delivery eight thousand copies had been sold and four thousand more were being printed.[2]

The Conservative Ministry formed by Sir Robert Peel was clearly in a minority in Parliament and applied for a dissolution. In the election which ensued the grouping was very much involved. The term 'Conservative' had displaced 'Tory', and Peel's famous Tamworth Manifesto was such

[1] J. Reid's collection of speeches, pp. 388–97.
[2] Lambton MSS., Durham to Lady Durham, Nov. 29, 1834.

a rare blend that it almost justified the comment of his Chancellor, Lord Lyndhurst, that every sentence had apparently been begun at Brook's and ended at the Carlton Club. There were many Tories of the old school who were not at all satisfied with this manifesto. On the other hand, as Tom Moore put it, the Whigs 'in the process of converting the great mass of the nation into Radicals, have most of them transferred themselves into Tories'. But there were some, the old 'Durham and Co.' of the Reform Bill days and their converts, who were so liberal that it was difficult to distinguish them from the more moderate Radicals. Between these came Whigs of the Lord John Russell type. In the third main group, the Radicals, there was a gradation from those who were quite satisfied with Durham's Glasgow platform to uncompromising advocates of universal suffrage. There was a fourth main group, 'the Derby dilly', followers of Stanley and Graham, who had left the Grey Government and occupied an uncertain position between Whigs and Conservatives. The Irish Repealers, followers of O'Connell, may be classed as a fifth group, or as one of the varieties of Radicals.

It has been sometimes stated, and more frequently implied, that Lord Durham was the leader of the Radicals in this election of December 1834 and January 1835. But the correspondence of the period shows quite clearly that neither at this time, nor at any other, did he leave the Whig party. The confusion is due to the enthusiasm which his name evoked among Radicals, the fact that there was a definite group of advanced Whigs who considered themselves his followers, the difficulty of distinguishing between their position and that of the more moderate Radicals, and the hope entertained by many of uniting these two groups into a new party with Durham as their leader. These facts help us to understand the current description of a number of candidates at this election as 'Durhamites'.

What he feared most at this juncture was the possibility of a coalition between moderate Conservatives like Peel and the main body of the Whigs. His anxiety was equalled only by the ardour with which Francis Place desired such a union. For Place it would mean a sincere opposition made

up of real friends of the people embattled against the hated aristocrats.[1] Then if Durham had sided with the people against his own order, Place would be glad to hail him as leader. But Durham had no sympathy with class war. His duty was to win his own class to a thoroughgoing liberalism to be built up from all classes in the interests of national unity and national progress. He believed with all his heart and mind in all those reforms advocated in his own day which were to become the great reforms of the century. But the way to achieve them was to broaden the basis of government. We would say 'to develop democracy', but he avoided a term that was still anathema. Others stressed the reforms and quarrelled over their limits and degrees; he stressed the one way of securing them all. So he preached his Glasgow platform—household suffrage, shorter parliaments, the ballot. But those primary measures would have to be carried by a parliamentary majority. The Tories must be driven from power. Whigs and Radicals must be held together to achieve that. If they *could* be held together, popular pressure would liberalize their union. He must preach his faith and keep it aflame. At the same time he must urge the union of all reformers, be their faith strong or weak, broad or narrow.

While Durham regarded Peel as the great obstacle to liberalism, the enemy regarded Durham as the great danger to conservatism. They had always done so, but now they feared him more than ever. So they painted him in colours of the reddest radicalism. The good people of England must see Durham as a Destructive, and much of the Conservative campaigning at this election centred about the presentation of Durham as the terrible alternative to Peel. According to the *Spectator*, Sir Robert Peel stated that 'if the Ministry does not stand, the King has nothing for it but to throw himself into the hands of Lord Durham'.[2] At a Conservative dinner at Ipswich, electors were called upon to 'rally around the Throne and its Ministers, or else they would be thrown into the hands of Lord Durham and the Jacobins'. Radical speakers during the campaign frequently expressed the hope that Lord Durham would become Prime Minister, but for

[1] Place MSS. (Add. MSS.), *passim*.

[2] *Spectator*, Dec. 27, 1834.

most of them undoubtedly it was an ideal rather than an expectancy. The mention of his name always roused enthusiasm, and at one of their meetings in Westminster copies of his printed speeches were thrown among the crowd, and resolutions were passed lauding his 'manly advocacy of popular rights' and proclaiming his Glasgow platform as the only road to good government.[1]

Durham financed a number of candidates, directed Parkes in his newspaper work, and urged the formation of Liberal 'associations' in every town and village. Among Parkes's many letters of these days is one giving an account of proceedings in the northern division of Warwickshire. 'The Tory and parson influence brought to bear this time exceeded all previous experience of its extent and effect. We had only four parsons for us, and the entire rookery, the four excepted, against us. They worked like devils by day and night, and their parish clerks out with lanterns at night.' But the friends of Reform were equally valiant, and 'Dr. Arnold, Head Master of Rugby School, came two hundred miles to plump for Gregory'.[2]

During this election Durham's influence was sought by a young writer just breaking into politics, Benjamin Disraeli. They had been brought together at dinner at Lady Blessington's, the salon of the Durham group, a few months before. An American who was present wrote, four years later, an interesting account of the 'finely contrasted picture' which the two men presented, closing with the words: 'Without meaning any disrespect to Disraeli, whom I admire as much as any man in England, I remarked to my neighbour, a celebrated artist, that it would make a glorious drawing of Satan tempting an archangel to rebel.'[3]

Disraeli had twice already stood for High Wycombe on a policy which was a curious blend of radicalism and toryism. The official Whigs were an abomination to him. Among other measures, he had advocated the ballot and shorter parliaments. But he wrote to his sister a few weeks before he met Durham that the latter's policy of these two reforms

[1] Ibid., Dec. 3, 4, 1834.
[2] Lambton MSS., Parkes to Durham, Jan. 18, 1835.
[3] Monypenny, *Life of Disraeli*, i. 249.

and household suffrage implied a revolution, 'for this must lead to a fatal collision with the House of Lords'. He believed that the Whigs could not exist as a party without Durham's support. 'The Tories think that Durham will have his way.'[1]

That Disraeli was more than willing to stand as a 'Durhamite' in this election is shown by a letter which he wrote to Lord Durham on November 17. To this Durham replied that he had not sufficient acquaintance with young Hobhouse to justify the interference at Aylesbury which Disraeli had suggested, but that he hoped that Disraeli would find his way to parliament. 'If an occasion offers when I can forward your views I shall not fail to do so.'[2]

Disraeli was resolved not to lose any time while Durham was looking around. A seat in Parliament would do equally well, whether it came from him or the Tories. Within eleven days of his request to Durham he wrote to his sister: 'The Duke of Wellington and the Chancellor [Lyndhurst] are besetting old Carrington in my favour.'[3] A week later Greville was writing in his diary that Lyndhurst had approached him about getting young Disraeli into Parliament for Lynn, commending him as a friend of Chandos. 'He said that Durham was doing all he could to get him a seat, and so forth; if therefore he is undecided and wavering between Chandos and Durham, he must be a mighty impartial personage.'

No safe seat was forthcoming from either source, and Disraeli had another try at High Wycombe. In a speech delivered in that borough, he praised the Radicals and Tories in turn, but had nothing but contempt for the Whigs. Durham was the one exception. He had been 'the only man of any decision of character' in the Reform Bill administration.

After the speech was published, in pamphlet form, probably in January 1835, Disraeli wrote again to Durham, sending him a marked copy:

> 'As for the opinions contained in these pages, they are those I have ever professed, and I should grieve if your Lordship's

[1] Monypenny, *Life of Disraeli* i. 261.
[2] Ibid. i. 268.
[3] Ibid. i. 267–8.

juncture with the Whigs and my continued resistance to a party who have ever opposed me, even with a degree of personal malignity, should ever place me in opposition to a nobleman whose talents I respect, and who, I am confident, has only the same object in view with myself—to maintain this great Empire on a broad democratic basis, which I am convinced is the only foundation on which it can now rest.'[1]

Disraeli was ultimately to find his way into Parliament through the Tories rather than through Durham, but in the strangeness of fate it was he who, under popular pressure, was to enact Durham's household suffrage policy, and thus place the government of England on 'a broad democratic basis'.

Late in January, as the last of the election returns were coming in, Lord Durham in a letter to Parkes made the first suggestion of what later took shape as the 'Reform Club'. 'Surely the result of this election must convince every Reformer of the necessity of having an Association or Club (call it what you will) in London to counteract the machinations of the Tory Carlton Club.'[2]

The results of the election left Peel in a minority. The Whig-Radical opposition elected their speaker by a majority of ten and carried an amendment to the address by seven. Peel hung on for six weeks in the face of a series of defeats by varying but increasing majorities.

Through a great part of this session Lord Durham, as keenly interested as ever, was confined to his London house, suffering intense pain and forced to live on a diet of bread and tea. 'Bulwer Lytton' and Lord Mulgrave had been trying for some time to effect a reconciliation between Durham and Brougham. Durham insisted on a public statement by Brougham that he had not written the *Edinburgh Review* article and an attack in the *Scotsman*. Brougham said he did not write them but refused to make a public statement, and so the attempt broke down.[3]

On April 8 Peel resigned. Melbourne formed his second Administration, a straight Whig Ministry, to which the Radicals, though not represented, promised support. Durham

[1] Ibid., n.d. Given in Reid, i. 370–1.
[2] Lambton MSS., Jan. 22, 1835.
[3] Ibid., Durham's letters to Lady Durham.

and Brougham, the ablest men in the party, were both excluded. Melbourne had contemplated that for some time. Writing to Grey in January he had said:

> 'I will have nothing more to do with Brougham. I need not state to you the reasons of this determination. They reduce themselves readily under two heads—viz. his whole character, and his whole conduct. I will have nothing to do with Durham. For obvious reasons I forbear to state to you my reasons for this decision; nor need I account for my third peremptory exclusion, which is O'Connell.'[1]

In politics the race is not to the swift nor the battle to the strong, else it would not be given to Melbourne to pass summary judgement on three such men!

Lord Grey, in his reply, had counselled Melbourne to retain Brougham, but agreed in regard to Durham.

> 'Lambton has formed bad connexions, and has put forward opinions which would make it impossible for me to join with him in a Government, were such a thing for me still possible, as I should find it to be necessary to insist upon the Government's pledging itself to oppose the three additional articles of faith. [Household suffrage, shorter parliaments, and the ballot.] It is possible that he may hereafter see the folly of them, or at least the inexpediency of pressing them. But for the present they seem to form an insurmountable obstacle to a union with persons who think as you and I do upon them.'[2]

Although his health was still very bad, Lord Durham expressed to Hobhouse early in May his desire to be of some service to the new government from which he had been excluded. 'He said that he saw in the present government the best chance for good measures.'[3] A few weeks later he was at Cowes trying to win back his strength. But his mind was still on politics. In his letters he was analysing the results of the last election, urging the formation of Reform associations throughout the country, and making suggestions in regard to their organization. 'Now that I am getting better, I am overcome with horror at my hopeless idleness and inactivity.'[4]

[1] *Melbourne Papers*, p. 237, Jan. 23, 1835.
[2] Ibid., pp. 241, 247, Feb. 1, 3, 1835.
[3] *Recollections*, v. 35 (Diary, May 8, 1835).
[4] Lambton MSS., Durham to Parkes, June 7, 1835. Quoted in Reid, ii. 7.

The new government was willing enough to satisfy Durham's hunger for work. Many advanced Whigs and Radicals did not care to see him a member of any government until the day came when they could advance all along the line with Durham as their leader, but the majority of that *mouvement* group were displeased at his exclusion, and Melbourne, whose government depended on their support, was anxious to assuage that feeling. He also dreaded Durham's outspoken liberalism and hoped, no doubt, that office under the Government would place some restraint on his public utterances. The most fitting appointment, if Durham would accept it, was that of Ambassador to Russia. It has been suggested that the farther away Melbourne could send his rival the better he would be pleased. But there were other good reasons. There had been no ambassador to St. Petersburg for several years. The Grey Government had appointed Stratford Canning, and Palmerston had discovered that he could not force on the Emperor Nicholas an ambassador whom he did not want. The Peel Government had got into one of its worst scrapes by the selection of Lord Londonderry, whom they were forced to withdraw in the face of an angry Commons. The Melbourne Government could win favour in both Russia and the Commons by appointing Lord Durham. He might not serve under Palmerston, but if he would it would enhance the prestige of the Government to send out as ambassador a statesman who was not only so popular in England, but who had made such a close study of foreign affairs, and whose life ambition had been twice thwarted by the appointment of Palmerston to the Foreign Office. Melbourne was particularly nervous about Russian aggression at this time, and Durham's previous success in Russia and close personal friendship with the Emperor would be invaluable.

He was probably sounded out late in May, although we have no record of the process. As soon as the Tsar's consent was secured, Palmerston wrote, June 24, that if he would accept the appointment no time would be lost in submitting his name to the King.

Ellice's letters to Durham show that not a word had been said to the King before this[1] and Durham knew as

[1] Lambton MSS.

well as Palmerston that 'His Majesty's approbation' was no formal matter. The rumour had been rife a few weeks earlier that if Melbourne had sought to include either Brougham or Durham in his Cabinet, William IV would have refused to make the appointment. Melbourne had the advantage over a monarch who had practically dismissed him and then had been obliged, through Peel's failure, to recall him, but the King, smarting under that experience, was driven into a fury by having this appointment of Durham forced upon him. The royal wrath was aggravated by the fact that the ministers had consulted the Emperor of Russia, whom he intensely disliked, before they consulted him. Greville surmised that the audience he had to grant to Durham—with its business of kissing hands—must have been extremely unpleasant, as the King hated him and hated the Duchess of Kent—the Princess Victoria's mother—whose friend he was. Describing this audience in a later letter to Lord Grey, Lord Durham said: 'He [the King] was *very* rude to me, and I hope never to see his face again'.[1] And we have the following significant entry in Hobhouse's *Recollections*:

> 'We heard of a strange speech made by H.M. in Council, when Sir Charles Grey was sworn in as Commissioner to Canada. H.M. would have Sir Charles recollect that Canada was won by the sword and that he would never give up the royal prerogative in that province; that he would never permit the Legislative Council to be elective; that he, the King, said this, although others might say otherwise, and although some had dared in his presence to hold contrary language, alluding to Grant [Lord Glenelg]. When interviewed by Lord Melbourne on the subject, H.M. owned he had been wrong in talking of his confidential advisers before those who were not members of his Cabinet; but he was in a state of great excitement, and angry, particularly at Lord Durham's being appointed to the Russian Mission. . . . This was not all we heard of the royal disinclination to us; for on Saturday, July 11, in Downing Street, Lord Melbourne addressed us as follows: "Gentlemen, you may as well know how you stand;" and, pulling a paper from his pocket, he read a memorandum of a conversation between the King and Lord Gosford. . . . The

[1] Howick MSS., May 9, 1836.

King said to Lord Gosford: "Mind what you are about in Canada. By G—d! I will never consent to alienate the Crown lands, nor to make the Council elective. Mind me, my lord, the Cabinet is not my Cabinet; they had better take care, or by G—d! I will have them impeached." . . . We all stared at each other. Melbourne said, "It is better not to quarrel with him. He is evidently in a state of great excitement".'[1]

To Parkes, Durham had written: 'I am put out of the pale of home politics. In this foreign field I may do some good, as I have considerable influence with the Emperor and may re-establish a better state of things between the two countries.'[2]

The Emperor, Nesselrode, and most of the influential people had already left St. Petersburg for the summer. So there was no advantage in the new ambassador reaching it until the autumn. Durham suggested that, as the key to Russian foreign policy lay in the Near East, he should visit Athens and Constantinople, confer with the British ambassadors at those points, and study at close range the problems which centred there. He would then travel up to St. Petersburg through southern and central Russia, making careful observations as he went. Naval and military officers were appointed to assist him in these observations. He desired to take with him his brother-in-law, Colonel Charles Grey, as chief military officer, but the latter, although willing, was unable to go.[3]

At the last moment 'Bear' Ellice decided to accompany him as far as Constantinople. Ellice was ready for a holiday. He had informed Durham months before that if Melbourne formed a government on the lines of his former one he would not join it. His criticisms were similar to those of Poulett Thomson's letters to Durham. But Poulett Thomson entered Melbourne's second Cabinet, while Ellice remained out. When it was in process of formation Ellice's comment was: 'Oh for some masculine mind to save us from the counsels of these small-beer statesmen.'[4] Yet, like Durham, he had done too much for the Whig party to withhold his support.

[1] *Recollections*, v. 41–2.
[2] Lambton MSS., June 25, 1835.
[3] *Correspondence of Princess Lieven and Earl Grey*, iii. 136.
[4] Ibid., Ellice's letters to Durham, particularly Apr. 11, 1835.

XIV

AMBASSADOR AT ST. PETERSBURG

At the time of Lord Durham's previous mission to Russia the danger-point for European peace had been Belgium. Now it was the Near East. The revolt of Mehemet Ali had been settled but only after Turkey had been taught to look to Russia for protection, and the Sultan had become incensed against Great Britain and France. An *entente* between Russia and Turkey had been rapidly developed. For months the British ambassador could communicate with the Sultan only through the court jester. But the Western Powers believed that Russia would seize Constantinople at any time if the opportunity arose. Early in 1835 trouble again threatened between the Sultan and Mehemet Ali. In June Lord Melbourne, according to Hobhouse, actually feared that Russia would send a fleet into the Channel, and William IV talked excitedly to Lord John Russell about a large Russian army ready for embarkation on the Baltic.[1]

Before reaching Constantinople Durham had a visit to make at Athens. The voyage out was uneventful. He was not the man to get the maximum enjoyment out of an ocean voyage; to him inaction was the supreme evil. His health was not so completely recovered as he believed. He suffered a great deal from pains in his head. When he can at last date a letter to Lady Durham from 'Athens', the word is twice underscored and followed by an exclamation mark. The next day he visited the Pantheon and had a long conversation with Count D'Armansperg, the chief minister. 'At one I went to the palace to have my private audience with the King. It lasted two hours, during which I had to explain to him most minutely the theory and practice of the British constitution; the powers of the sovereign and of the ministers, the House of Commons, people, &c.; in short, all the machinery of our institutions. He seemed very anxious to be informed, but not very bright.' The most liberal of English noblemen giving a lecture on the British constitution to this royal lad of twenty, reared in the despotic atmosphere of a German court![2]

[1] *Recollections*, v. 39–40.

[2] Lambton MSS., Lord Durham to Lady Durham, Aug. 25, 1835. Given in part in Reid, ii. 10.

Durham reported to Palmerston that the state of Greece was by no means satisfactory, that King Otto and his Bavarians were anything but popular, and that there was a great deal of dissatisfaction in regard to the delay in establishing the constitution which had been promised. He had reminded D'Armansperg that the three Powers—Great Britain, France, and Russia—were pledged in this matter, and that it was essential that that pledge should be redeemed as soon as possible.

> 'I said I feared that unless the Government was fully and completely identified with the feelings and interests of the Greek nation any dependence on sufficient supplies to be derived from taxation would be hopeless, and that it was impossible to expect that the expenditure of the state could continue to be defrayed from future loans, or even that the allies would permit the payment of any further instalment of the existing loan without seeing some prospect of permanence and union. Count D'Armansperg assented cordially to the truth of these observations.'

D'Armansperg had only recently got the better of a rival faction, and was handicapped by the King's vacillating temperament. One of the advantages arising from the establishment of constitutional government 'would be the publication of a clear and intelligent financial statement. At present nothing is known of the application of the revenues, or the proceeds of the loan, and assertions are openly made by the Greeks that a great portion of the latter has gone into Bavaria and been applied to Bavarian and not Greek objects'.[1]

Sir Edmund Lyons, the British Minister to Greece, reported to Lord Palmerston that Lord Durham's visit had given great satisfaction and would be productive of permanent advantage. Count D'Armansperg had represented it to the King as a proof of the great interest which the British Government took in the welfare of Greece, and at the same time as a decided proof that it was determined to know the real state of affairs, and not by any means to give a blind support. 'I sat next to the King at dinner after the long private audience he had given to Lord Durham, and it

[1] F.O. 65: 218, Durham to Palmerston, Aug. 30, 1835 (No. 5).

was evident to me that his mind was dwelling with pleasure on the picture Lord Durham had drawn of the advantages to be derived from free institutions, in the development of the energies and resources of a nation emerging from centuries of slavery and oppression.'

These conferences, together with two sight-seeing expeditions and long conferences with Sir Edmund Lyons, filled two busy days, and for the greater part of the third Durham was prostrated with severe pains in the head. On the following day, August 28, he left Athens, and on September 3 arrived at Constantinople. The Sultan accorded him a friendly audience, and he discussed the political situation with the Turkish ministers and Lord Ponsonby. He expressed himself as well satisfied with his visit, although it is improbable that he broke through the Turkish reserve in regard to Great Britain.

From Constantinople Durham went to Odessa and then to Kieff, where he met the Emperor, who greeted him with cordiality and affection. Leaving his military and naval officers to make more detailed observations in Southern Russia and report to him later, he made his way by slow stages over terrible roads to Moscow and then to St. Petersburg, where he arrived November 5.[1] Lady Durham and their children had reached the Russian capital twelve days earlier.

Among the letters awaiting him were two from Parkes, telling of the struggle for the Municipal Reform Bill, whose fortunes Durham had followed with close interest, knowing that it was the natural and necessary sequel to his work in 1831–2. 'I must say that the Tory Lords fought their battle breast high, but the people licked them hollow.' Parkes estimated that as a result of the municipal reform, two-thirds of the town councils would be Liberal. They would also gain five county ridings and fourteen English borough seats on account of the registration activity of the Reform Associations, the organization of which had been suggested and urged by Durham. He gave the following news of Brougham:

> 'Faustus . . . is in a very queer disaffected state of mind, has been looking quite fallow this season. . . . In consequence of

[1] Lambton MSS., Durham to Hedworth Lambton, Nov. 11, 1835.

some remarks he had privately made to me about being "a partisan of yours" and your "hatred" of him . . . I told him that I knew you did *not* hate him, however much abused by him politically, and that rash and inconsiderate acts had beaten him which time and quarantine could alone cure. I wrote it very kindly, and endeavoured to calm him about you. He answered it (apparently) in good faith and feeling. . . . He repeated that you did hate him, but that my heart was where yours *used* to be, and *would* be, "in the right place". . . . He is to be First Hon. Commissioner of the Charity Commission. He wrote to me from Brougham Hall to advise whether if he took it he should be committed to support the Ministry, when I knew he had already accepted it. What a being he is! . . . However, he has still some running in him—much evil, much good—a powerful, active, but twisted mind. And charity perhaps requires much allowance for his eccentricities and moral aberrations, for I am sure that he is mad. I believe at bottom, though he fears and knows he has injured, yet he does not hate you. And I know that, tho' we despise his defects and insincerity, we do justice to his eminent labours for the public good, however alloyed by selfishness and vanity.'[1]

In replying to these letters, November 16, Durham stated that in travelling through the country he had become convinced that Russia was not ready for war. He was doing everything possible to develop more friendly relations between the two countries, but he told all Russian officials whom he met that Great Britain would never allow Russia to occupy Constantinople. 'We never could and never would permit it, whilst there was a shilling in our treasury, or a drop of blood in British veins.'[2]

In the meantime he was working hard, collecting material for a report to Palmerston on the Russian situation. He was also renewing old acquaintanceships. Russian society, he wrote to Lord Grey, 'is divided into dancers, and whist-players. As I do neither, I am rather *de trop* at their *soirées*, but it is necessary to go to them'. This social life, however, was soon cut short by news from home. Lady Fanny Lambton, the oldest of his daughters, and the only child of his first wife who had not been cut down in youth by

[1] Ibid., Sept 6, Oct. 23, 1835.
[2] Ibid. Quoted in Reid, ii. 16, 17.

tuberculosis, had in the previous September married Hon. John Ponsonby (later fifth Earl of Bessborough), a son of Lord Duncannon, Durham's colleague on the Reform Bill Committee. While her health had not been robust, there had been no feeling of immediate danger, and it had been hoped that the climate of her new home in Ireland would prove beneficial. Now, at the end of the year 1835, word came to her father in St. Petersburg that she was suffering severely from the malady to which her sisters had succumbed, and that her life was despaired of. Hedworth Lambton, of whom one hears little in the politics of the period, but who was always at hand at the time of his brother's need, had gone to Ireland, and to him Lord Durham wrote, December 30:

> 'I am very, very grateful to you for going to Ireland. It is a great comfort to me to know you are there. . . . You may conceive my wretchedness. I cannot describe it. Every post day I tremble at the thought of receiving the fatal intelligence. . . . I cannot write to her, for I fear saying anything which might alarm her, and I can say nothing about our life here, for since I got the intelligence of her danger we have not been out. If she remarks on this, ascribe it to the cold, but don't let her think we know of her danger. All this anxiety and misery has made me quite unwell again, and I write to you from my bed after a very violent attack in my head. But what is what I endure to the suffering of my poor dear child? God bless you, my dear Hedworth.'[1]

A few days later he received the news of her death on December 17—the fourth child to be taken from him within a period of a little over three years. He wrote to Lord Grey: 'Where is this to end? Are all to be taken from me, one after the other? My life is now one constant scene of anxiety, and I never feel sure of the health or life of any of my darling children. . . . As for this poor child, she was my constant companion, friend, and had been the blessing of my life from her earliest childhood, but I dare not trust myself with writing what I feel.'[2]

In the most tender of the many letters of sympathy, Lord Grey wrote: 'Nothing can be more beautiful and affect-

[1] Lambton MSS. Given in full in Reid, ii. 20–1.
[2] Howick MSS., Jan. 13, 1836.

ing than the accounts which we have received of her truly religious feelings, and of the resignation and piety which supported her under the separation from all she loved on earth. She has pointed to us all the way to obtain the same support.'[1]

During the following days Lord Durham suffered so much physically that Lady Durham was afraid that 'these very bad attacks' would bring on a 'confirmed fit of illness'.[2] He never neglected public duty, and though so ill that he was confined to his room, he worked on with heroic energy.[3]

He had already sent to the Foreign Office accounts of the Russian Black Sea fleet, fortresses in Southern Russia, military colonies, and his views on Russian advancement toward control of the Caspian.[4] During these months of illness he forwarded a number of important official documents, including copies of detailed reports of all the Russian fleets and intelligence of preparations for strengthening defences and equipment at Cronstadt, Sveaburg, and Reval. He believed that the latter did not indicate immediate warlike intentions, but rather revealed real weakness, 'and how much the world has been imposed upon by an appearance of solidity which does not, in truth, exist'.[5] In view of discussions which might arise in Parliament, he emphasized strongly in his communications to Palmerston his belief that Russia possessed at that time neither the capacity nor the inclination to make war.[6]

'There is a tendency here to lean on England if she will permit it. There is no doubt of an apparent alliance of the strictest kind with Austria and Prussia, but in reality founded on no national interests. The cement of the whole is fear of revolutionary excitement, to which, in the case of Prussia, must be added family ties, but all commercial and territorial considerations militate against any solid union between the three Powers.' With England the case is different. 'We take from her annually the productions of her soil and industry

[1] Lambton MSS., Dec. 26, 1835. Given in full in Reid, ii. 21–2.
[2] Ibid., Lady Durham to Hedworth Lambton, Feb. 8.
[3] Howick MSS., Mar. 9, 1836.
[4] F.O. 65: 218, Durham to Palmerston, Nov. 23 (Nos. 15 and 16), Dec. 1, 7 (No. 25), 23, 1835.
[5] F.O. 65: 223, Jan. 1, Feb. 6, 1836 (No. 17). [6] Ibid., Jan. 26, 1836.

to the amount of one hundred millions of roubles. We send her more than sixty millions. We are masters of the sea and could cut off the means by which her manufactures are carried out. . . .' The greatest antipathy exists between Russia and France. 'In these circumstances . . . we ought to be able to assume a tone remote from insult or malice, but marked by the utmost confidence in our own strength and superiority.'[1]

All this exerted a marked influence on Palmerston. Not only his parliamentary utterances but his dispatches to ambassadors assumed a different tone. Nesselrode observed to Durham: 'You are destined to work miracles; for you have even reached the point of reforming Lord Palmerston.'[2]

On March 9 he sent to Lord Palmerston his report on Russian policy, which the latter declared to be one of the ablest and clearest statements ever sent to the Foreign Office by an ambassador. Durham himself, foolishly vain about trifling things, but modest about his real powers, said in the letter which accompanied it: 'It is not as good as I would have wished it to be. . . . I have been confined to my room for some time, and I fear that this illness may have prevented me from detailing to you clearly the many important topics which are involved in the consideration of this great question. You must be indulgent and take the will for the deed.'[3]

Written at a time when all Europe watched with bated breath for a Russian attack on Constantinople, Durham stated in this paper a contrary conviction with the confidence and clear vision which had already at home and in the Belgian crisis, and which later in Canada, enabled him to play the rôle of political prophet. It must be remembered that he did not know, any more than his frightened colleagues, that Russia had already entered into an understanding with Austria to preserve, for the time being, the integrity of the Ottoman Empire. If he had known it, his vision could hardly have been clearer. In the decided and spirited fashion in which its conclusions are stated, this document differs as much from the average official report

[1] Ibid., Feb. 6, 1836 (No. 16).
[2] Lambton MSS., Feb. 29, 1836.
[3] Lambton MSS.

as did his famous report on Canada, to which it bears a remarkable resemblance in style. The following passages will illustrate its character:

'I recommend no blind confidence in Russian moderation or Russian self-denial. I advocate no such policy as in former days permitted her to pour her armed masses into Turkey without remonstrance or opposition, and then, when war and disease had nearly annihilated her army, and prevented almost her power of advance (facts which have been admitted to me personally by the most eminent Russian generals), allowed her to conclude a treaty at Adrianople with all the honours and advantages of a triumph, which not only did not in reality exist, but which the diplomacy of that period ought to have known, could have been easily converted into a disastrous defeat. . . . I do not see why, because we justly reproach ourselves either with our blindness in not perceiving, or our subserviency in aiding her schemes in 1829—when she was openly engaged in a war with Turkey and within a few days march of Constantinople—we ought in 1836 to entertain the same fears, when she is retired within her own frontiers, when no military demonstrations of an aggressive tendency are visible, and when all her declarations (backed also by the specific act of the voluntary withdrawal of her army from the Bosphorus) disclaim the intention of war, and profess the desire for peace. . . .

'The power of Russia has been ever greatly exaggerated. . . . Her advances in civilization and internal organization have been so rapid—effected indeed almost within memory of the living—that to Russians themselves her present state appears comparatively gigantic. Little more than a hundred years have passed since Peter the Great founded this great capital and ruled over a collection of barbarous hordes. Since which, on all sides and in all directions, civilization has increased. Arsenals, dockyards, hospitals, universities have sprung up as if by magic, all rude and to a limited extent, compared with our own establishments, but large with reference to their previous state. Comparatively considered, therefore, in the eyes of Russians, the condition and power of their country is enormous. . . . Few opportunities occur of testing the reality of this by the observation and scrutiny of Europeans. . . . The difficulties of communication, the vast extent of territory, and the inclemency of the climate prevent, except in isolated cases, all inspection of, and acquaintance with, the internal state of Russia. . . .

There is not one element of strength which is not directly counterbalanced by a corresponding check of weakness. The population of the Russian Empire is immense, . . . but it is spread over 320,000,000 square miles of surface, and is deprived of all moral force and national unity by universal want of education amongst the middle and lower classes, and the prevalence of various climates and customs.

'The army is proportionally large, amounting to 800,000 men. But then the duties imposed on it are equally great. A frontier has to be guarded of 10,000 miles. . . .

'Whatever appearance the Russian fleet may exhibit on paper, or at anchor, it is not equally formidable at sea. The genius and spirit of the Russians are not maritime. The service is forced on officers and men, is not congenial to the tastes and habits of one or the other, and is moreover destitute of the best and only supply from which it can be efficiently recruited—a commercial navy. . . .

'In fact her [Russia's] power is solely of the defensive kind. Leaning on and covered by the impregnable fortress with which nature has endowed her,—her climate and her deserts—she is invincible, as Napoleon discovered to his cost. When she steps out into the open plain, she is then assailable in front and rear and flank, the more exposed from her gigantic bulk and unwieldy proportions, and exhibiting, as in Poland and Turkey, the total want of that concentrated energy and efficient organization which animates and renders invincible smaller but more civilized bodies. Abroad, her soldiers fall by thousands, sullen and dispirited, evincing the passive devotion of fatalism, but neither the brilliant chivalry of the French or the determined, unyielding courage of the English. At home they fight with desperate, unconquerable fury for national and domestic objects consecrated by religious feeling and patriotic traditions. Such a nation therefore cannot be successfully led over her frontiers. . . .'[1]

Of Lord Durham's earlier dispatches Lord Grey had written: 'They are admirably written and afford clearer views and more satisfactory information of the state of things at St. Petersburg than any that I have hitherto seen from preceding ministers at that court.'[2] His comment on the report was: 'It affords better means of judging of the

[1] F.O. 65: 223, No. 30, Mar. 3, 1836. Copy in Lambton MSS. Parts given in Reid, ii. 28–37.

[2] Lambton MSS., Mar. 11, 1836.

policy which requires to be pursued on our part than anything I have yet seen.'[1]

On March 21 Durham, still suffering from 'his old attacks', was taken down with rheumatic fever. From his bed on the following day he wrote a long letter to Palmerston. He urged that the world should be given some marked demonstration of Anglo-Russian amity.

> 'It has been strenuously urged on the three Northern Powers [Russia, Austria, and Prussia] that their alliance is a matter of necessity, that England never would unite with either of them, that her liberal principles and system of government render such a step impossible, and that therefore their close connexion is essential to their interests. . . . I have pursued a different course. I have always said that however liberal and enlightened our system of government might be, we never wished to interfere with that of other nations, with whose capacity or wish to enjoy it we were not acquainted, that we considered ourselves at full liberty to contract close relations of amity with governments differing entirely with our own in form and principle, provided that alliance compromised no consideration involving the honour and dignity of the country. . . . Remember, also, that the keystone of that confederacy is the fear of revolutionary movements in their respective states. Ever since Canning's [illegible] speech vague apprehensions of our interference have been afloat. Take away the possibility or probability of this and their fears would be removed. National interests would then come into full play, those innumerable points of discord, which at present are kept down, would produce their natural effects, and the alliance would be dissolved from its own intrinsic want of cohesion.'[2]

This alliance between Russia, Austria, and Prussia was shaken during the immediately succeeding years, along the lines of this letter, and within five years it was broken up, never to be formed again.

Many of Durham's dispatches dealt with the occupation of Cracow, but he did not, apparently, influence in any definite manner the course of events. In the question of the Greek loan he failed to break down the refusal of Nesselrode to act until he had better guarantees. But the evacuation of Silistria was the direct result of Durham's efforts. Silistria,

[1] Ibid., Apr. 12, 1836; Reid ii. 37. [2] Lambton MSS., Mar. 22, 1836.

a fortress on the Bulgarian bank of the Danube, had been captured by Russia from Turkey, but was re-ceded to Turkey by the Treaty of Adrianople. Russia, however, continued to occupy it, declaring that she had not yet received the full money contribution required by the treaty. Europe regarded this as a pretext, and believed that Russia would never give up Silistria. Durham, convinced that Russia did not contemplate a hostile movement against Turkey in the near future, conceived the idea of inducing Russia to surrender Silistria, and thus offering to Europe a striking proof of her pacific attitude. He threw out a few gentle judiciously-timed hints to Nesselrode that Russia could free herself from the misunderstanding of which she complained and demonstrate her pacific intentions toward the world in general and Turkey in particular by the evacuation of Silistria. When Nesselrode began to take the matter seriously, Durham replied that he would not think of pressing it, but that it might be a good thing if the Emperor, entirely on his own initiative, offered to give up the fortress. 'This reply', according to the French ambassador at St. Petersburg, 'had an excellent effect.' So the Emperor did of his own generosity what he could not have afforded to do at the suggestion of a British ambassador.[1]

Palmerston considered this a great triumph for Durham. The British Government, he wrote, 'concur in considering this arrangement as an important indication that any hostile designs which Russia may have with respect to Turkey are, for the present, adjourned. . . . It is certain that the defensive means of Turkey must be greatly increased by her recovery of Silistria, and, moreover, the moral effect of the arrangement is highly advantageous to Turkey.'[2] Lord William Russell, the British Ambassador at Berlin, wrote to Durham: 'I congratulate you on having brought about so great an event. It is the foundation stone of the restoration of Turkey and a reparation of the great faults we have made in the East.'[3] According to Colonel de Ros's report to Durham,

[1] F.O. 65: 224, Durham to Palmerston, Apr. 17, 1836 (No. 51); Lambton MSS., Barante to Durham, June 4, 1836.

[2] F.O. 65: 221, Palmerston to Durham, May 2, 1836 (No. 44).

[3] Lambton MSS., May 2, 1836.

Silistria was not a strong fortress at that time, but it occupied an important position, and two decades later, when the Crimean War broke out, it was exceedingly fortunate that Silistria was in the hands of Turkey.

By April 5 Lord Durham was able to go out after months of illness, but on the 19th was back in bed again, and was forced to cut short a letter to Lord Grey on account of the intense pain he was suffering. The fears and suspicions of Lord Ponsonby at Constantinople and the persistent propaganda of the Poles continued to stir up anti-Russian feeling and war fever in England in spite of the slowly changing attitude of the Government. In his next letter to Grey, Durham wrote: 'I wish I were in the House of Lords for twenty minutes. "Oh, for an hour of Dundee!" All the intriguers, the Russophobists, the monomaniacs should be well exposed.'[1]

In a dispatch to Palmerston he said:

> 'I am not insensible to the necessity of strict unceasing watchfulness. No event, however trifling, bearing on the great question of Russian aggrandizement should escape our observation, but in my judgement it is perfectly competent to a British Ambassador to temper vigilance with confidence, and to win the friendship and gain the esteem of Russia whilst he vindicates the honour and asserts the supremacy of England.'[2]

A letter of Durham to Parkes of the same date contains the following passages:

> 'One of the greatest difficulties I have to contend against is the English Press. Why does the *Morning Chronicle* teem with every species of vituperation against this country and her sovereign? . . . We are always attacking them about Poland; might not they retort about Ireland? Again—in every correspondence from every corner of Europe you see nothing but assertions of the overpowering influence of Russia. *It is not true*—but if it was, you but play her game in making it so public. The reputation and semblance of power and influence in one quarter produces them in reality in another. Do give Easthope a few hints on this subject.'[3]

[1] Howick MSS., Apr. 19, May 3, 1836.
[2] F.O. 65: 224, Durham to Palmerston, May 24, 1836.
[3] Lambton MSS.

In the summer of 1836 Durham received letters from England which reported the warm praises that were being bestowed in London on his work in St. Petersburg by Grey, Palmerston, Holland, and other men possessed of an extensive knowledge of foreign affairs. Melbourne wrote to him: 'I consider you as rendering the greatest service to your country and the world by taking a sober and rational view . . . and by trying to check the extreme violence of feeling and the unnecessary prejudice and suspicion which prevail in this country.'[1]

In his reply to this, Lord Durham said:

> 'Every disturbance that takes place in any remote province in the East is attributed to "Russian intrigue" . . . If the Sultan complies with our request on the Monday it is owing to "Russian influence"; if he changes his mind on the Tuesday and refuses the same request, it is "Russian influence"; if the wind blows from the West or East or North or South, no matter, the compass is under "Russian influence". All this would be very absurd if it were not so dangerous, and would have ended, if I had not interfered, in a war with this country in which all Europe would have been involved.'[2]

There was one notable exception to the chorus of eulogy in high quarters. William IV was still with the Russophobes. Ellice wrote May 16:

> 'Everybody here is more than satisfied with all you have done, except your great master, who is quite mad on all that relates to Russia. If he had his own way he would go to war to-morrow,[3] and he is encouraged in his absurdities by our friend at Constantinople, who carries on a correspondence with Taylor [the King's secretary] and through Hudson, the Queen's secretary, sent last year on a mission to the East. . . . I understand he [the King] has made the remark on some of your papers that they are rather like the composition of a Russian than an Englishman!'[4]

Writing to Lord Grey shortly after the receipt of this, Lord Durham said that he would prefer the snow-hole of

[1] Lambton MSS., July 7, 1836. [2] Ibid., July 30.

[3] This is hardly fair to William IV. He hated Russia, and there was a species of madness in his attitude, but it is difficult to believe that he was wilfully seeking to bring about a war. Ellice, like Durham, possessed a remarkable ability to analyse a situation, but was subject to exaggeration in his phraseology, especially when he dealt in personalities. [4] Ibid.

a bear in a Russian forest to a return to England and the King's insults.[1]

In the early summer his health was improved, and he and Lady Durham enjoyed some pleasant expeditions into the country. Lady Durham invented the following 'expedient for getting fresh eggs in a Russian village where you intend to pass the night'—'On arriving in the evening offer a reward for every egg that is brought you and buy them all up. In the morning if any eggs are to be had you will get them fresh'.[2]

By the middle of August Durham was down again with rheumatic fever, and after spending the greater part of three weeks in bed he wrote to Palmerston, September 2, asking for leave of absence during the severe winter months in case he was not better before October. 'It is with great reluctance that I make the application, but I am induced to do so by the urgent entreaties of my family. My disinclination to do so does not arise from any distrust of your willingness to oblige me, but from a fear that this circumstance may afford another occasion of wounding my feelings in a quarter where latterly I have found no favour or even justice.'[3]

Palmerston was the only member of the Melbourne Ministry who was on really good terms with William IV. In the letter accompanying the official leave he assured Durham that the King's irritation against him had disappeared and that his name was always mentioned with good humour. 'Your dispatches are praised, as being ably written, but there is an impression that you take too favourable a view of Russian policy.' Palmerston suggests that Durham, to placate the King, should write a dispatch which, while stating that 'there is no present intention of aggression on the part of Russia', would at the same time emphasize 'the vigilance with which the proceedings of Russia on all parts of her extensive frontier ought to be watched'. 'Perhaps you will say that you have already done this; never mind, do it again.'[4] There had been clear statements to that effect in

[1] Howick MSS., July 18, 1836.
[2] Lambton MSS.
[3] Ibid.
[4] Lambton MSS. Sept. 24, 1836. Given in full in Reid, ii. 63–4.

Durham's previous dispatches, but he understood the difficulties of Palmerston's position and did as he suggested.[1]

In a private letter to Palmerston he thanked him for the leave of absence and his 'friendly hints'.

> 'I am so far patched up as to hope to be able to get through the winter. I do not think, therefore, that I shall be obliged to avail myself of your kind permission. . . . I can have no prejudices or predilections in favour of Russia—quite the reverse. All I want is to cause the triumph of that policy which is advocated by my own country. If I can accomplish by fair words and friendly dealings that which I should fail in doing by distrust or menace, surely I ought to adopt the first course. Besides, I discover many accusations brought against this country to be false. Am I to conceal my knowledge of this fact? Or am I to be punished for telling the truth by being told that I am "Russian" and not English? . . . From you and your colleagues I have ever received fair dealing and an enlightened appreciation of my motives and actions.'[2]

In reply Palmerston wrote:

> 'Your dispatch was very good and well done and has I think been useful. . . . Our situation with respect to Russia is greatly improved as compared to what it was two years ago. Then there was much personal irritation between the two governments, and there was no preparation on our part to resist Russia if necessary. Whereas now, by your good management at Petersburg, the two governments are placed upon a perfectly good footing of mutual intercourse, while the vote of Parliament of last session has put into our hands the means of giving effect, if requisite, to any remonstrance we might be obliged to make.'[3]

In regard to the *Portfolio*, a publication that had caused a sensation in England, Lord Durham stated that, under cover of a few purloined papers of interest and authenticity, it had circulated 'a mass of absurd trash, marked by ignorance and misrepresentation'. It was 'the joint production of Polish refugees and of that industrious clique of Russophobists who correspond with the newspapers of London and Paris from the shores of the Bosphorus'. Its

[1] F.O. 65: 226, No. 169, Oct. 7, 1836.
[2] Lambton MSS., Oct. 8, 1836.
[3] Ibid., Nov. 1, 1836. Given in Reid, ii. 65.

inventions and fabrications were so clumsy that not a clerk in the chancelleries of Berlin, Vienna, or St. Petersburg could be deceived by them.[1]

Considerable excitement, in fact something of a 'war scare', was created by the seizure in December 1836 of a British vessel, the *Vixen*, by a Russian cruiser at Soujak Kalé, on the eastern coast of the Black Sea. The *Vixen* did not, as was at one time reported, carry arms for the Circassian rebels in that quarter, but a cargo of salt, which she sought to land in violation of Russian customs regulations. The Russophobists misrepresented the situation and played it up as an insult to the British flag. On the other hand suspicions were expressed in some quarters that the *Vixen* was sent out by the same people who were responsible for the *Portfolio*, in order to create a situation that would produce anti-Russian feeling in England. Durham reported that the violation of the Russian customs regulations was flagrant and wilful. The owner had been informed of the regulations and there were no extenuating circumstances. Jingo patriotism never appealed to Durham, and he had worked too hard in the interests of peace to desire to see such a matter worked up into an issue between the two governments. Palmerston was unwilling to admit Russia's claims to the whole of the Circassian coast—which Durham believed were clear enough—and managed to narrow the discussion to Soujak Kalé, which he admitted to be a Russian port. On this basis the legitimacy of the seizure was recognized and the question settled. It is strange that, in later references to Durham's embassy, emphasis was constantly placed on *his* settlement of the *Vixen* question. The dispatches and correspondence show clearly that he simply acted on the instructions of Palmerston, to whom the credit of the settlement should be assigned. Durham, in fact, disagreed with Palmerston's plan in several respects, and believed that in thus narrowing the question the latter was storing up trouble for the future.[2]

[1] F.O. 65: 225, Durham to Palmerston, Aug. 11, 1836 (No. 127).

[2] F.O. 65: 233, Durham to Palmerston, Nos. 10, 12, 26, 49; Lambton MSS., Durham to Palmerston, Feb. 28, Apr. 12, May 13, 1837; Howick MSS., Durham to Grey, May 13, 1837.

Palmerston and Durham both realized that they could do little for Poland. The latter's Polish sympathies were keen, and he hardly needed the urging of the Foreign Secretary to do what he could. But he recognized that there were two sides to the Polish question and informed his Government of both. He frankly characterized some of the reports so credulously accepted in England, especially those relating to the treatment of Polish children, as 'infamous calumnies'. He believed that Russia had wronged Poland politically but that the mass of the people were much better off under Russian rule than they had been in the hands of the Polish aristocracy. He told Count Nesselrode and Marshal Paskiewich that in no way could the esteem of the English Government and people be more readily reconquered than by the exhibition of a mild and beneficent policy toward Poland. He succeeded in securing the appointment to the Marshal's council for Poland of Prince Kosloffsky, a pronounced sympathizer with and friend of the Poles, who had already by his unofficial exertions effected modifications in the treatment of Poland. Nesselrode said that Kosloffsky was appointed to give effect to Durham's suggestions. Prince Kosloffsky kept in touch with Lord Durham throughout the remainder of the latter's residence in Russia.[1]

Durham, always interested in the improvement of trade relations, sought to bring about important changes in the Russian tariff. He informed the Tsar that one of the main causes of anti-Russian feeling in England was the system of prohibition which marked the tariff policy of Russia. Before the end of 1836 his efforts bore fruit in a revised tariff. Among other features, the duty on herrings was cut in two. The principle of prohibition was replaced by that of protection. Palmerston wrote to Durham, 'We are delighted with your new tariff. It is good in itself, but the great point is that it establishes a new principle which, once adopted, must progressively be extended'.[2]

Durham was much concerned about Russia's commercial

[1] F.O. 65: 224, Durham to Palmerston, June 11, 1836; Lambton MSS., Durham to Palmerston, June 18, 1836.

[2] F.O. 65: 224, Durham to Palmerston, May 16, 1836 (No. 66); ibid. 65: 233, Durham to Palmerston, Jan. 1, 1837 (Nos. 1, 2, 3); Lambton MSS., Durham to Palmerston, Jan. 2, 1837 (Reid, ii. 66).

developments in Central Asia and the danger of her securing control of the trade and therefore of the peoples on the routes to India. He did not believe that she was pursuing any fixed policy of territorial expansion. Her policy was opportunist. But what might be simply trade expansion in the present might well mean a menace to India in the future. He urged that Great Britain must do more to develop trade and befriend the peoples in those territories. That was, in his judgement, of equal importance with the Near East, to which the attention of the British Government had been almost exclusively directed. He was apprehensive in regard to Khiva. While suspicious of Russian intrigue in Persia, he did not realize its full extent. He secured and sent to the Foreign Office a number of valuable reports in regard to Russian trade in Central Asia.[1]

With the British merchants at St. Petersburg he was very popular. Always keenly interested in the development of British trade and thoroughgoing in everything he undertook, he gave his closest attention to every matter they brought before him and was constantly on the look-out for opportunities of furthering their interests in all directions. They bore testimony to his kindliness and cordiality as well as to his thoroughness and courage; they noted that he was no respecter of persons. Such men saw Durham's temperament at its best, as his Cabinet colleagues had seen it at its worst. One merchant who had a claim against the Russian Government had appealed to the Russian authorities and the British Embassy time and time again without success. Durham took the case up, went through the documents himself with the greatest care, and had the previous decisions reversed and the claim granted in full. His success in establishing more amicable relations between the two Governments was also appreciated, as well as the tariff changes which he secured. After his return to England the London merchants interested in the Russian trade made a great deal of him. He was fêted at their gatherings until his death and was for years remembered as the best friend that English trade had had at St. Petersburg.

[1] F.O. 65: 218, Durham to Palmerston, Dec. 7 (No. 25), Dec. 23, 1835; ibid. 65: 224 (No. 43); ibid. 65: 233, Feb. 24, Mar. 12, May 25, 1837.

Yet his poor health kept him in his house for the greater part of the time, and much of his work was done when he was confined to his room or to his bed on account of illness. He wrote all his important dispatches with his own hand, and a comparison of their dates with his personal letters to Palmerston shows that he wrote many of them in bed while suffering great pain. With the coming of the new year, 1837, he wrote that for three weeks he had been suffering from a severe return of his illness. 'I ought in prudence to have availed myself of your kind leave of absence. But it is now too late and I must wait until the spring, when I shall beg to be allowed a little change of air and climate. I was anxious not to leave St. Petersburg until the question of the tariff was finally settled.' He made the suggestion that while on his leave of absence he might be permitted to look after the British Embassy at Constantinople, since Lord Ponsonby was to be away from his post at the same time. 'By which means I should reconcile medical injunctions with mental occupation, for of all things in the world I detest most idleness.' But two months later he had decided to spend a few weeks of his leave in England. 'I have now been absent two years from my property and am naturally anxious to look after it a little. I should then be disposed to try Carlsbad or some foreign watering place.' In March he wrote to Grey: 'If there is to be a "crisis" and a dissolution, I must be in England to look after our Northern elections.'[1]

When it was known in England that Lord Durham was returning from Russia, various rumours were circulated in the London press. One was to the effect that he was to supersede Lord Palmerston at the Foreign Office. On this Durham wrote to his son-in-law, Hon. John Ponsonby:

> 'In the newspapers they are always putting me forward as his rival, and as wishing to supplant him at the Foreign Office. If you find a fitting occasion, pray assure him that I have no such wish, and, if I had, no such intention. His conduct to me has been too fair and honourable to admit of my permitting myself to be made the means, however indirectly, of annoying

[1] Lambton MSS., Jan. 2, Feb. 28, 1837; Howick MSS., Mar. 13, 1837.

him, and, therefore, if his removal is to depend on my co-operation he will be there a long time.'[1]

Another story was that he was coming home to take charge of a separate establishment for the Princess Victoria. Durham maintained a constant correspondence with the Duchess of Kent through her master of the household, Sir John Conroy, and his most important letters from Russia were given to the Princess Victoria to read. These included a full account of his visit to Greece and Turkey and a careful analysis of the problems of the Near East. Some Russian sketches were presented to the princess with explanatory comments. From the same source came a good edition of Milton to mark what proved to be her last birthday as a princess.[2] This rumour about the establishment was, however, quite absurd, and for once it united in a common feeling the peppery tempers of William IV and his ambassador at St. Petersburg.

Shortly before Lord Durham left Russia (on June 10) he received the unexpected news—'I was never so surprised in my life'—that His Majesty had conferred on him, in consideration of his services in Russia, the Grand Cross of the Order of the Bath. The Emperor Nicholas honoured him with the Cross of St. Andrew. William IV's illness came to an end on the 20th, and Lord Erroll recorded in a letter his pleasure at the way the King talked of Lord Durham 'a very short time before his death'.[3] When the little eighteen-year-old queen in the young dawn of that June morning faced in her dressing-gown the messengers of grief and power, Lord Durham was still two days out from England on his journey from Russia. His investiture as Knight of the Bath was Queen Victoria's first ceremonial act. In her still childishly phrased diary she wrote: 'I conferred on him the Grand Cross of the Bath. I knighted him with the Sword of State, which is so enormously heavy that Lord Melbourne was obliged to hold it for me, and I only inclined it. I then put the ribbon over his shoulder.'

Popular prediction had been right in supposing that the

[1] Reid, ii. 121, Durham to Ponsonby, Feb. 28, 1837.

[2] Lambton MSS., correspondence between Durham and Conroy and between Durham and King Leopold. [3] Ibid., n.d.

Queen would be an ardent Whig, but wrong in anticipating that her politics would be controlled by Lord Durham. He evinced no such desire, and she sought political advice from no one but her Prime Minister. The Queen, however, always admired Durham and was very fond of Lady Durham, who was one of her ladies-in-waiting

XV

LETTERS FROM HOME 1835–7. WHIGS AND RADICALS. CIRCUMSTANCES OF APPOINTMENT TO CANADA

To understand the situation in England on Lord Durham's return it is necessary to glance at what had been occurring during his absence in Russia, especially in regard to the relations between the Whigs and the Radicals. Of these developments Durham had been kept well informed—mainly by Parkes, but also by Grey, Howick, Ellice, E. J. Stanley, Kinnaird, the two Bulwers, Grote, Easthope, Fonblanque, Colonel Jones, and 'Tommy' Duncombe. With the exception of the first three (Ellice was more moderate than a few years before), the others were all extremely liberal Whigs and Radicals; they regarded Durham as their political master and their official leader of the future.

Poulett Thomson was the only representative of Durham's policies among the English ministers, although Lord Mulgrave (later Lord Normanby), a member of the old 'Durham and Co.', was giving Ireland an enlightened administration as Lord Lieutenant. It seems remarkable that Thomson, in view of his social intimacy with Durham, was not among the writers of these friendly and informative letters to Russia. Parkes wrote to Durham:

> 'You surprise me that *Pow* has not written *you*. When present he will be a worshipper. I suppose he is of an Israelitish nature —neglects his Creator when he thinks him not present. . . . He is perhaps by far the most practically and theoretically informed political economist of the party; but having reached the altitude of his ambitions he seems to me to be satisfied with drawing cheques on his old reputation . . . and sacrifices his former appetite for intellectual pursuits to Cabinet dinners.'[1]

The other personalities in these letters, equally frank, need not be quoted. Many of Lord Melbourne's ministers were men of mediocre ability, but they were hardly the contemptible figures which this correspondence suggests. It was natural that Lord John Russell, one of the authors of the Reform Bill, liberal enough at times and always courageous,

[1] Lambton MSS., May 30, 1837, May 1, 1836.

should, in view of his refusal to consider any proposals that went beyond the Reform Bill, have been the subject of particularly drastic comment. In the contemptuous and frequently abusive criticism of Ministers in the letters of these Ultra-Liberals and Radicals, Melbourne was alone excepted. They were often impatient with him. They did not consider him a statesman of the first order. They had long since ceased to expect a great deal from him. But they liked him personally, and appreciated the value to his party of his popularity in Parliament. Among the Ministers he was, as Parkes put it, 'the best contriver of them all'. They sympathized with him especially at the time of the Norton divorce case, which they believed to have been raked up by the Tories to kill Melbourne politically. They were jubilant and caustic when the case broke down through a lack of evidence that caused men to express surprise that it ever should have been brought into court. Wellington came in for a meed of praise as having been too honourable to co-operate with his fellow-Tories in such a business.

During the first session under the new Ministry the Radicals refrained for the most part from anything that would embarrass the Government. The mutilation and defeat of important Irish and Church measures by the Lords led O'Connell in the autumn of 1835 to advocate an elective House of Lords. For the next four years the reform of the Lords was a general topic of discussion. It became a leading tenet in the Radical creed, and Hume and Roebuck especially regarded it as essential to the cause of Reform. Through them this movement was connected during these years with the demand for elective Legislative Councils in the Canadas.

In the early months of 1836 the Reform Club, which Durham had suggested a year earlier, was successfully launched by Parkes and Molesworth, representing the Radicals, and Ellice and E. J. Stanley the Whigs. Durham's correspondents congratulated him on being the real founder of the club.[1] E. L. Bulwer—the 'Bulwer Lytton' of English literature— said that Durham was 'just as much talked of and "Le jour viendra" as much quoted as if you were not

[1] Lambton MSS., E. J. Stanley to Durham, Feb. 19, 1836; Durham to Parkes, Mar. 1, 1836.

Heaven knows how many miles off at St. Petersburg.'[1] Parkes wrote: 'You will come back with your entire reputation based on an invariably consistent and popular political life, and none but yourself can rob you of the pre-eminent merit of the Reform Bill conceded you by all the influential Reformers.' Durham to him was 'Cincinnatus on his Russian farm'.[2] Colonel Leslie Grove Jones, faithful reporter of middle-class opinion, stated that many among that class who had been afraid that Durham would go too far in reform measures were coming to feel that no one in the Government enjoyed anything like Durham's popularity outside of Parliament, and that ultimately he must be Prime Minister. The wealthier middle class respected him more than they feared his ultra-liberalism, and their recognition of his integrity and ability would reconcile them to his government.[3]

In reply to Durham's reiterated complaints in regard to his treatment by the Liberal party, Parkes wrote: 'Are you not willing to take the good and bad of the course of public honesty? . . . I always concede to you of all public men I know the quality of *foresight* . . . your superior sight into the future. I wish you would apply the power more to your own situation in politics. I never misgive your wisdom but when you lament over the consequences of your pursuit of honest principles.'[4]

In the meantime Francis Place was making converts among the Radical leaders to his policy of forcing the pace irrespective of what happened to the Government, and relying more on a truly liberal opposition and its future growth in power than on a supposedly liberal administration which achieved nothing. By September, Sir William Molesworth was taking that position in public as well as in private and urging Mrs. Grote and Rintoul of the *Spectator* to support him.[5] Place wrote to Roebuck:

> 'Men who think the danger of the resignation of the Whigs a reason for deserting the people are of no use to the people—

[1] Lambton MSS., E. L. Bulwer to Durham, Mar. 1, 1836. Given in full in Reid, ii. 96–8.
[2] Lambton MSS., May 1, 1836.
[3] Ibid., Jones to Durham, June 14, 1836.
[4] Ibid., Aug. 7, 1836.
[5] Mrs. Fawcett, *Life of Sir William Molesworth*, pp. 121–5.

fit only to keep a set of Tories under the name of Whigs in office. Bah! . . . [He had predicted what had happened in the following terms.] I will tell you what the House of Commons will do, they will put up with the flogging the Lords will give them, put their tails between their legs, and crawl away to their kennels like curs as they are, and the Lords would deserve to be damned outright if they did not flog them.'[1]

That Parkes was for the moment won over to this Place-Molesworth policy, which if it prevailed among any considerable number of the Radicals would destroy the Melbourne Government, is shown by the following letter to Durham:

'If the Ministry try to stop us out, the lesser evil is to let the Tories in, and begin *de novo*. . . . I think I may say that these are the general sentiments of Grote, Warburton, Ward . . . and our best men. . . . Lord Melbourne, in confidence to you, has the last few weeks by letters and personal interviews sought and asked my opinion. . . .

'He told me fully some of his difficulties with the Court—that he had not a united set in Cabinet—that the Ballot would be carried soon if left open as a question; that he had no prejudice against it as a mode of election, but that some of his colleagues had, and who were too deep not to see the effect of opening the question. That he had then to consider the results of the gain of the question so opened to the *Movement* already going fast, in his opinion fast enough—tho he did not pretend to say that it could or ought under all circumstances to be stayed. Further, he said the concession would give reality to the Tory slang, that he was a Radical-led Premier. I answered that *he could not help himself*—that he had to choose between a junction with the Conservatives or better Radicals.'[2]

Lord Durham replied:

'My conviction is that you should all stop short of that point which would let in the Tories. *More mischief will be done by one month's possession of power by them* than can be effected in one year by the *lâchetés* of Whigs or mock Liberals. The mischief in the one case is positive, in the other negative. . . . *House of Lords*. . . . When I was a minister I wished to bring the Lords in harmony with the Commons by such a judicious creation of independent gentlemen united in principle and

[1] B.M. Add. MSS. 35150, f. 160 d, Place to Roebuck, Oct. 3, 1836.
[2] Lambton MSS., Oct. 10, 1836.

property with the Commons as would counterbalance the weight of the Pitt creations—but I was not listened to, or rather my advice was scouted. What I then predicted has now occurred. The wheels of the machine are clogged. . . . I see some persons propose electing the House of Lords. If so, by whom, by what classes, and in what manner? Are all the peers to be elected at once by the whole constituent body throughout the empire, or are they to represent districts as in the House of Commons? If the latter mode is adopted, shall we not have a repetition of the great blot, in my opinion, of the Commons representation, the delegation of local interests to individual members, at variance with the general interests of the country? It seems "to me much meditating" (as Cicero Brougham and Vaux said once in the Lords, in imitation of his little prototype the Roman orator) that, if a second or upper house of assembly is necessary in a state, it is for the purpose of checking or auditing, as it were, the acts of the lower. To do this effectually the members of it should be exempted from the influences which operate naturally on those who are chosen by particular bodies or constituencies. I do not mean exempted from general efficient responsibility, but placed in a state of representative independence of narrow and special interests. Can this be if they are elected by votes within a particular district? For instance, could the noble peer for the West Riding of Yorkshire give a vote either on a private bill or on any public act affecting the manufacturing interest, differing from that given in the lower house by the hon. member for that division? I humbly submit that these and many other important considerations are wholly lost sight of in the general abhorrence which is justly excited by the conduct of the Tory peers.'[1]

At the same time Durham wrote to Grote, historian, wealthy banker, and Radical leader, and to Fonblanque, editor of the *Examiner*, and Easthope, of the *Morning Chronicle*, urging strongly the folly of allowing the Tories to come back and the necessity of union among all Reformers. Stanley and Parkes stated that these letters did a great deal of good. The latter wrote to Place early in January: 'I certainly do not want to drive the Ministry *out*. I want if possible to drive them *on*.' Molesworth and Roebuck waxed

[1] Lambton MSS., Nov. 11, 1836. The part relating to the House of Lords is given in Reid, ii. 114–15.

bitter over Grote's failure to follow them. The *Examiner* and the *Chronicle* rallied to the support of the Government, while the *Spectator* supported Molesworth and Roebuck.[1]

Parkes wrote to Ellice, January 8, 1837:

> 'Roebuck has taken Molesworth, Leader and other dreamers to Bath, where again they opened fire and . . . cannonaded the Whigs afresh, carrying ample stores moreover to Tory arsenals. . . . Damn and blast their exquisite Tom foolery. To play such a game when we are the only country in Europe enjoying a practical republic, daily improving! . . . I showed her [Mrs. Grote] an admirable prophetic letter from Durham to me. . . . You know no one is more far-seeing than he among public men.'[2]

By January 24, on the eve of the opening of Parliament, Parkes could report to Durham that for the time being almost all the Radicals concurred fully with the views of the latter. He added, however, 'God help ministers through the session, but how He will do it I can't tell.' At the same time Ellice told Greville in Paris that the Radicals were 'coming up to support the Government in good humour'.[3] But the flurry had impeded the cause of Reform. Melbourne, for all his easygoing ways and his willingness at times to compromise with the Tories, would not be dictated to by Radicals. He would not have it said that this or that concession was made because Molesworth and Roebuck held loaded pistols to his head. He wrote to Poulett Thomson, the most radical member of his Cabinet:

> 'I cannot give way on this point of making the ballot an open question. . . . I should feel myself disgraced by doing so, and should not be able to reply to those observations which I feel would be justly made upon me. . . . It may, as you say, be fatal to the government. It probably will; and that consideration has made me pause long. But so, I am convinced, would the other course; and with disgrace.'[4]

The people of Great Britain had been nearer to securing the ballot in 1836 than they were to be again until the eve

[1] Lambton MSS. References to Durham's letters in Stanley to Durham, Jan. 17, 1837, Parkes to Ellice, Jan. 8, 1837, Parkes to Durham, Jan. 24, 1837, Easthope to Durham, Apr. 26, 1837; B.M. Add. MSS. 35150, f. 219 d. Parkes to Place, Jan. 8, 1837. See also Fawcett, pp. 124–6, and the newspapers referred to.

[2] Lambton MSS.

[3] Ibid.; Greville, ii. 496.

[4] *Melbourne Papers*, pp. 315–6.

of the Ballot Act of 1870. For the Melbourne Government a more perilous question was looming on the horizon. Neither on Irish or Church questions, on the ballot or on any domestic issue, was there an immediate danger of the Conservatives and Radicals occupying common ground against the Government. But antagonism to its colonial policy might bring them together, and affairs in Canada were approaching a crisis. E. J. Stanley brought this to Durham's attention in a letter of December 11, 1836:

> 'Ellice . . . has done a great deal in the way of smoothing Radical asperities and bringing about a better feeling on both sides; but there is one quarter in which we shall have the greatest difficulties, and in which, as you know, he is always very violent and one sided,—I mean Canada. The Radicals imagine we shall have a Canadian coercion bill proposed by the Government and they are determined to make the most strenuous opposition to any such attempt.'[1]

In the ensuing session of Parliament the Radicals, in spite of a bitter attack on the Government by Roebuck, a motion by Lushington and Buller to exclude the bishops from the House of Lords, and motions by Duncombe to abolish proxy voting in the Lords and to amend the rate-paying clauses of the Reform Bill, gave a consistent support to the administration until Russell's Canada resolutions came up in March. Then the Radicals broke from the Whigs. Molesworth, with most of the Radicals now behind him, led the attack. He declared that to empower the Governor to use money in the hands of the Receiver-General in the face of the refusal of the Assembly of Lower Canada to vote supplies was an act of the grossest tyranny; that the control of the purse constituted the essence of freedom; and that the Canadian people would never permit themselves to be enslaved by such resolutions. Roebuck was more violent:

> 'The direct effect, on the minds of the Canadian population, will be a determination, as soon as possible, to get rid of a dominion which entails on them results so mischievous and degrading. . . . The immediate effects of this feeling will not be seen in open and violent revolt, but in a silent, though effective warfare against your trade. Non-intercourse will

[1] Lambton MSS.

become the religion of the people. They will refuse your manufactures, and they will smuggle from the States. . . . In America you will be held up as the oppressors of mankind, and millions will daily pray for your signal and immediate defeat. The fatal moment will at length arrive. The standard of independence will be raised. Thousands of Americans will cross the frontier, and the history of Texas will tell the tale of the Canadian revolt. The instant you have passed the resolution of the noble lord, a wide and impassable gulf will be opened between you and your colony; the time for reconciliation will be gone for ever; repentance will be vain—our loss will be irreparable—shame, defeat, and ignominy will be our portion; and we shall leave for ever the shores of America, amid the hootings and reviling, and exultation of the many millions of her people whom we have successively injured and insulted.'

Applauded as it was by the bulk of the Radical members of the Commons, to whom it was a fitting commentary on Bentham's slogan, 'Emancipate your Colonies', this speech of Roebuck's was an incitement to insurrection and must be considered one of the causes of the Lower Canada Rebellion. Apart from the fact that opposition to a colonial empire was a leading tenet of the Radical creed, many of the Radicals had been persuaded by Roebuck and Hume, who were hand in glove with the Radical leaders in Canada, that it was an issue between British oppression and Canadian liberty. Interest was also added to the debate by the fact that in their movement for peerage reform the British Radicals were assuming common ground with the Canadians who were insisting on an elective Upper House, the refusal of which was a prominent feature of the Russell resolutions. Charles Buller, however, advocated the cause of the Canadian Liberals with more restraint, and attempted to take the edge off Whig and Tory prejudice by arguing that in view of the very different social conditions in Canada, an elective Legislative Council could very well be established there without undermining the hereditary character of the British House of Lords. From 46 to 56 Radicals voted against the resolutions in the various divisions, and the Government was saved from defeat by the solid support of the Conservatives. A serious breach had been made in the Whig-Radical alliance, and Canada stood out as the handwriting on the

wall for Melbourne and his colleagues. In the Lords, Brougham fought a lone fight in support of his new Radical allies. All of Lord Durham's correspondents had informed him during the preceding six months that 'Faustus', as they called Brougham, was ingratiating himself with Place, Roebuck, Hume, and other Radical leaders on the one hand, and Lyndhurst, the Tory ex-Chancellor on the other.[1] This implacable enemy of Melbourne, smarting under the humiliation of 1835 and lonely for lack of power, might yet bring Tories and Radicals together to defeat the Melbourne Government—on Canada.

This was the situation when Lord Durham returned from Russia. His return was a god-send to the Government. Durham was the most vital link between the Whigs and the Radicals. His immediate appointment to some important Cabinet office was discussed in Government circles, in the correspondence of the Radical leaders, and reported as a certainty by the English correspondent of *Le Temps*. 'What they [the Tories] fear most of all is the return of Lord Durham, who brings back with him the favour of the Emperor of Russia and has established the peace of Europe. . . . His return will be followed by his re-entrance into the Cabinet.'[2] Not only to thick-and-thin supporters of the Government, but to some of Durham's immediate followers, the ultra-Liberal Whigs, and to many of the Radicals, this made its appeal as a mutual guarantee of consideration of the Radicals by the Whigs and support of the Whigs by the Radicals. E. L. Bulwer had written a few months before: 'Nor do I think that any influence over the broad public mind less powerful and less popular than yours can save the administration from at least a temporary downfall.' Charles Buller, in reply to a question of Greville's as to whether the Government would gain at the approaching elections, said, 'I think

[1] Lambton MSS. The Place MSS. fully confirm this impression. Brougham was busy flattering Place, consorting with Roebuck and Hume, and playing up all those Radical policies which he had smoothly impeded in the period between the Reform Bill and his exclusion from the second Melbourne administration (B.M. Add. MSS. 35150, 35151). Yet Brougham's advocacy of radical measures in 1837–8 was probably quite sincere. He was a liberal, if not a radical, at heart, and he was now enjoying a freedom which he had not felt while in office.

[2] Lambton MSS. Correspondence of *Le Temps*, written Mar. 28, 1837.

they will gain anyway, but *if they are wise* they will gain largely'. Greville said, 'I wonder what you call being wise'. Buller replied, 'Take in Lord Durham'.[1]

But many of the Radicals hoped that Durham would stay out of the Cabinet, until the time came for him to go in as Prime Minister. They cherished the old hope that he would assume the leadership of a really liberal party made up of Radicals and advanced Whigs, which would be able to gain control of Parliament. They realized that the weakness of the Radicals, for all their ability, was lack of leadership, and for four years they had been looking to Durham as the leader of the future.

There were difficulties, too, from the side of the Cabinet. Few public men disliked Durham as much as Melbourne did, however affable his attitude might appear to be. He disapproved of his temperament as heartily as he did of his politics. To Melbourne, Durham was always raking up political futures with their disquieting dreams of constant progress, which stirred his scepticism when they did not rouse his fears. Durham was full of reforms, enthusiasms, eternal principles calling for immediate application. Melbourne, with his rich culture, his fine taste, and his enjoyment of the old ways, was all for leaving things as they were, so long as he could discern no infringement of broad principles of human liberty. He was kind-hearted but firm, and he enjoyed a most enviable reputation for integrity and trustworthiness. There can be little doubt that he was a conscientious statesman and that there is substantial justice in Sydney Smith's estimate.[2] But his habitual attitude was one of philosophic

[1] Lambton MSS., Jan. 21, 1837; Greville, 2nd Part, i. 7.

[2] 'If the truth must be told our viscount is something of an impostor. Everything about him seems to betoken careless desolation; any one would suppose from his manner that he was playing at chuck-farthing with human happiness; that he was always on the heels of pastime; that he would giggle away the Great Charter, and decide by the method of teetotum whether my lords the bishops should or should not retain their seats in the House of Lords. All this is the mere vanity of surprising, and making us believe that he can play with kingdoms as other men can with ninepins. . . . I am sorry to hurt any man's feelings, and to brush away the magnificent fabric of levity and gaiety he has reared; but I accuse our minister of honesty and diligence; I deny that he is careless or rash; he is nothing more than a man of good understanding, and good principle, disguised in the eternal and somewhat wearisome affectation of a political roué.'

calm, and even the reforms which he believed in were to be waited upon rather than urged. There could, of course, be no peace with Durham on such terms. Melbourne, in short, could not abide a man who took everything under the sun, England, Europe, the Empire, and himself, as seriously as Lord Durham did. And what was worse, if others could not enjoy that absurd atmosphere and agree with his eternal reforms, there were stormy times in prospect for everybody. Melbourne could not forget the scenes in the Grey Cabinet, and not the least unpleasant aspect of those memories was the fact that Durham had succeeded in carrying through those very features of the Reform Bill that he would have been happy to see die. He writes to Lord John Russell in the midst of all this hubbub for Durham in the Cabinet: 'Everybody, after the experience we have had, must doubt whether there can be peace and harmony in a Cabinet of which Lord Durham is a member.' No Prime Minister of England was so desirous of having congenial men about him as Lord Melbourne.

Durham, too, would want to bargain. The whole idea was that he was to come in for a price, which was to be paid in further instalments of Reform. He might insist on the Government adopting his Glasgow platform. Melbourne shrank from even making the ballot an open question. As for household suffrage, it could be contemplated only with dismay. The Reform Bill may have been a necessary evil, but now that it was enacted, for Melbourne as for Russell and all of his colleagues—with the exception of Poulett Thomson—it was a 'finality'. To bring Durham and his policies into such a cabinet suggested more difficulties than Melbourne cared to contemplate, even if 'Radical Jack' had been the most congenial of colleagues.

Melbourne, however, was aware of the necessity of giving Durham an office of vital importance if he was to save his government. His agile mind fastened on something far better than the Cabinet. The critical state of affairs in Canada in this summer of 1837 gave to the Canadian governorship an importance such as it had never possessed before. It was on Canada that the Radicals had shown a most decided opposition to his government. Canada was his

danger-point. Durham was the man to hold Whigs and Radicals together. Let him hold them together on Canada. Nothing would be more pleasing to the Radicals than such an appointment. Recent governors had possessed neither the ability nor the prestige to enable them to cope with the difficulties of that unfortunate colony. Gosford had to be recalled. A man of outstanding ability must be appointed—not for the sake of Canada, but to strengthen his tottering administration. Everybody, even his worst enemies, conceded Durham's superior abilities. And this man who had to devise far-reaching schemes for future improvement, might devise them in Canada. They would not bother England—Melbourne loved England in all sincerity—because Englishmen cared nothing for Canada except as an occasional make-weight in the political game, and they would not obtrude themselves as a daily nuisance on the conclaves of Downing Street.

So a month after his return from Russia, Lord Durham received a letter from Lord Melbourne:

> 'It has long been evident that not only the Government, but the country, is subject to daily increasing embarrassment from the present state of affairs in Lower Canada, and consequently in all the British North American possessions. The final separation of those colonies might possibly not be of material detriment to the interests of the Mother Country, but it is clear that it would be a serious blow to the honour of Great Britain, and certainly would be fatal to the character and existence of the Administration under which it took place.[1] . . .
>
> 'Now what I wish to ask is, whether you would for a moment entertain the idea of undertaking this duty, and of rendering this great and important service to her Majesty, her Ministers, and the country. You are the fittest man for it, certainly the fittest in my opinion. You have every quality which will enable you to perform such a duty, and your character, your

[1] This sentence expresses neatly the attitude of every Whig and Tory statesman of the period. The Radicals differed from it in that they desired to see Canada free herself from the Mother Country and establish her independence as speedily as possible. The difference between them was simply as to when and in what manner the destined event should take place. Lord Durham was the first statesman to take higher ground.

station, your abilities, and your principles, all combine to give you a weight and influence, and to command for you a respect and a confidence, which will attend upon no other individual.

'This proposition may be attributed to motives of present political interest and convenience. If you draw this inference, I must submit to it; but I can assure you that I make it in the full conviction that the question is pressing and full of difficulty, pregnant with danger, and that what I propose would offer to the country the best chance of a favourable issue. I would make the appointment as high and honourable as it can be made, in order, by giving it weight, to give it a better chance of success.'[1]

We have not Durham's reply. A letter of his to Ellice, beginning 'I am not going to Canada and have nothing to do with the settlement of that unfortunate question', throws no light on the reason for his refusal. But it may be surmised that he knew too little of Canada to appreciate the real importance of this call, that the interesting political situation at home appealed to him more strongly, that public service in England looked good after two years of exile, that he believed the climate of Canada to be similar to that of Russia which he had been forced to leave to save his health and possibly his life, and that he hoped that he could lead a new democratic movement at home on which his heart was set, and at the same time keep the Tories out of office without pulling the chestnuts out of the fire for Melbourne in that particular manner. Five months later, with Canada in rebellion, it was a different matter, and in spite of the sacrifices involved he felt that there was a call of patriotism that could not be refused.

This correspondence about Canada took place in the midst of the election necessitated by the accession of a new sovereign. The Queen's name was used freely during the campaign, the Whig candidates appealing to the electors to show their loyalty by supporting the Queen and her ministers. The *Annual Register*, commenting on this, said: 'Though such practices may not, strictly speaking, be in harmony with our constitutional maxims, . . . the chartered license of a general election would be thought to excuse it.' But nothing would

[1] Lambton MSS., July 22, 1837. Given in Reid, ii. 137–9.

excuse it to-day. 'Constitutional maxims' or conventions are simply habits. In their history they go through a stage of uncertainty when the habit is in the process of formation, and that of keeping the monarch out of party politics was not by any means established by 1837. The correspondence of the Whig leaders in the closing years of the reign of William IV shows that the Ministers were constantly discussing the possibilities of their being dismissed by the King, and it was now argued that the Queen had shown them her personal favour by continuing them in office. Some one wrote on an inn window at Huddersfield:

> 'The Queen is with us', Whigs insulting say,
> 'For when *she found us in*, she let us stay.'
> It may be so. But give us leave to doubt
> How long she'll keep you, *when she finds you out.*

Such quips may have a value even to constitutional historians.

In the election in North Durham, part of his old constituency, where his brother Hedworth was a sitting member, Lord Durham refused to bring any influence to bear on the nomination or take any part in the election, but in response to a request for a statement of his political principles he wrote a letter to Russell Bowlby, July 8, with a view to publication. It referred to the new sovereign in the most complimentary terms and suggested the watchword, 'the Queen and Liberty'. He outlined what he called his 'political creed', stating, however, that he would never force it upon the Government or Parliament until it had captured the support of public opinion.

> 'I wish to rally as large a portion of the British people as possible, around the existing institutions of the country—the Throne—Lords—Commons—and The Established Church. I do not wish to make new institutions, but to preserve and strengthen the old. Herein lies the difference between me and my opponents. Some would confine the advantages of those institutions to as small a class as possible. I would throw them open to all who had the ability to comprehend them, and the vigour to protect them. Others again would annihilate them for the purpose of forming new ones on fanciful and untried principles. I would, I repeat, preserve them, but increase their efficiency and add to the number of their supporters. . . .

'It has been my ruling principle throughout my political life, to endeavour to bring all classes, especially the middle and lower, within the pale of the true, not the spurious constitution, . . . to make them feel that whilst the Crown enjoyed its prerogatives, and the upper classes their honours, they also were invested with privileges most valuable to them, and, moreover, that all, separately and collectively, rested on the common basis of national utility.'[1]

This statement is, except for the references to the Queen, a verbatim repetition of a private letter which he wrote from Russia, to Sir John Conroy, the major domo of the Duchess of Kent, and which was no doubt shown to her and to the (then) Princess Victoria. The position taken is exactly that of his speeches in the election of 1835, and, while supporting the Melbourne Government, he is no less willing to advocate the ballot, shorter parliaments, and household suffrage than he had been at that time.

At the same time Colonel Leslie Grove Jones, who had procured for Lord Durham the views of the Radical leaders at the time of the Reform Bill, wrote to Francis Place:

'Though you are an arch demon of mischief, yet, there is sufficient of *humanity* about you to do *good at times*—& in such quantities as to be a redeeming quality for all your *devilism*. I am now wishing to *employ you usefully*, and for a right good man,—*Lord Durham*. . . . The *Reform Bill has in many instances been a failure* and requires a *wholesome correction*, and *beneficial* amendments. In nearly all the minor towns, the constituencies are too small and therefore come under the control of individuals and in time will become *proprietary* or be open for *purchase* as in olden times. The franchise is evidently too limited and ought & must be extended. . . .'

Durham believed, Jones continued, that universal suffrage was not feasible, but still favoured household suffrage. He would like Place to provide him with some statistics in regard to the size of the constituencies in the case of various extensions of the franchise.[2]

Francis Place replied: 'You say you want to employ me

[1] Canadian Archives, *D.P.* 6, i. 186 seq. Printed in part or in full in the newspapers of the time and in *Annual Register*, 1837, p. 240; Reid, ii. 130–2; *Canadian Archives Report* for 1923, p. 164.

[2] B.M. Add. MSS. 35150, ff. 259–62, July 4, 1837.

in some inquiries which may be useful to Lord Durham. I will do anything I can for such a purpose, and I will tell you why. I never knew Lord Durham to break his word, and I never heard that he had done so in any public matter. This implies a pretty large share of both judgement and courage, and these qualities will command my services for any man.'[1]

Place wrote to Colonel Jones again, July 20. In the interim he had been antagonized by Lord Durham's letter to Bowlby. 'Lord Durham in going over to them [The Ministers] will cause the people to see that no lord can really be their friend. When they shall be weaned from the folly of thinking that any lord could long be their friend, they will be relieved from the horrid incubus which would in time have bewildered their understandings and palsied their useful exertions.'[2]

Jones replied that Lord Durham was a practical statesman, whereas Place was only a man of his library, speculative and dogmatic. In a later letter he stated that Durham would not join the Ministry without requiring a bolder line of conduct.[3]

Place was a defeatist. He would follow no leader who would not lead the Radicals into opposition. With the Tories in power a really liberal opposition might be formed.

A letter of Place to Roebuck, September 10, shows that Brougham had not as yet got very far in working up the Radicals against Melbourne through Place and Roebuck.[4] The bulk of the Radicals were following Durham in supporting Melbourne. A small group of extremists in Parliament was, however, more dangerous to the Government than

[1] B.M. Add. MSS. 35150, f. 258, July 7, 1837. The latter part of this letter has nothing to do with Lord Durham, but I am tempted to quote the following as an utterance of Francis Place, which, I believe, has not been published: 'Such is my contempt for mankind that had I the power for one second of time, I would convert the whole atmosphere into carbonic acid gas, and keep it so for evermore. I so abhor their narrow selfish notions, their cunning, lying, cheating conduct, their cruelty to one another, as practised from the highest to the lowest, such my abhorrence of many acts of even the best of them, that I would spare no one, no, not even myself; but as I cannot do this the next best thing is to save the "rascals" as well as I can.'

[2] Ibid., f. 268.

[3] Ibid. ff. 269–70, 272, July 25, Aug. 1, 1837.

[4] B.M. Add. MSS. 35151, ff. 14, 15.

it had been before the election. The Radicals as a party had fared badly, and their numbers were greatly diminished in the new parliament. But the majority of the Whigs and Radicals combined over the Tories had been reduced from 26 to 12. It needed now only 7 Radicals to vote with the Tories to defeat the Government. Roebuck was out, but Molesworth, Leader, and others of the extreme group were back.

Shortly before the new parliament met, Lord Durham spoke at a meeting of the Durham Reform Society. He was careful, as in his earlier speeches, to dissociate himself from the extreme views of those who supported universal suffrage. He advocated household suffrage, the ballot, and a national and universal system of education. 'An elective House of Lords is an absurdity and a moral impossibility. If you come to the question whether or not there should be a second House of Assembly, that is a very different matter; but as it has not yet been mooted, I need not discuss it now.'[1]

Early in the session, in November, Lord John Russell gave great offence to the moderate Radicals by making the statement on the finality of the Reform Bill, which won him the nick-name 'Finality Jack'. The Government checked a threatened mutiny by making important concessions to the Radicals on the question of pensions. Lord Brougham made the most of the situation and launched a series of violent attacks in the Upper House on prominent members of the Government. Melbourne's patience broke down, he threw all pretence of friendship to the winds, and closed with his former colleague in an open personal war that animated the debates of the House of Lords for many a month. Melbourne was hardly a match for Brougham in invective, but he gave a very fair display of an agile mind and a cutting tongue. Durham and Brougham, Brougham and Melbourne—two sides of the three-cornered duel that was to electrify the Canadian question of the following year and to form the dramatic background of Lord Durham's Report were already formed.

On December 22 came the startling news of the Canadian rebellion. Up to this time nobody had cared much about

[1] This speech was published as a separate pamphlet (B.M. pamphlets).

Canada except the Radicals, and they had interested themselves in it in order that they might lose it. For the past twenty years Canada had appeared in the columns of the *London Times* about ten times in a year. From now on, for three years—through the Rebellion, Lord Durham's mission, Lord Durham's Report, and the Union Act—it is a centre of attention in every London daily.

In the House of Commons debate, Leader executed a war-dance of triumph and gleefully derided the Government. Molesworth pointed to immediate separation between Great Britain and Canada as the wisest course. He deprecated any effort to retain the colony and hoped that, if such an attempt were made, Britain would be defeated.[1] The other Radical speakers were somewhat more restrained in their language, but they all advocated separation, as well as championing the rebels against what they considered the tyranny of the Government, and comparing the situation to the American Revolution.

[1] '. . . till our dominion in America be forever destroyed. That that dominion should now be brought to a conclusion I, for one, most sincerely desire, but I desire it in peace and friendship . . . leaving, therefore, to this country all the advantages of a vast and increasing market for our manufactures without the burden, vexation, and expense of governing a remote region' (*Hansard*, 3rd Series, xxxix, p. 1466). Molesworth's position has been frequently misunderstood. He is sometimes spoken of as though he were a precursor of Durham in advocacy of colonial self-government (self-government *within* the Empire), and may have influenced Durham through his cousin, Charles Buller. If Molesworth had already arrived at the position which Durham advocated in his Report, he could not have spoken the words quoted above. In a speech of the following March, just before Durham left for Canada, he stated that he believed in colonies, if they were well governed, and was at pains to dissociate himself from the general Radical position of 'emancipate your colonies' (which meant 'let them go'). Emancipation was a matter of time and depended upon circumstances. They should not 'emancipate' Upper Canada since the majority of its population seemed to be loyal; if Lower Canada could not be brought into similarly friendly relations, the sooner they gave it its independence the better. Good government was the essential thing. 'Do not "emancipate your colonies", but multiply them, and improve—reform your system of colonial government.' That in itself was an enlightened and most exceptional position for those days, but in the long speech in which he developed it there is no indication of self-government within the Empire and not the slightest trace of the Responsible Government recommended in Lord Durham's Report. If Molesworth had arrived at that position he would certainly have stated it in that speech. After the publication of Lord Durham's Report he was converted to the Durham idea and rendered yeoman service to the new imperialism.

Within a few days Francis Place was supplying Brougham with a number of papers relating to Canada, arranged by H. S. Chapman.[1] The Radicals were providing an innocent public with a remarkable amount of misinformation about Canada and talking about the 'coercion' of that country as though the whole population were in arms. An article in the *Leeds Mercury* emphasizing the increased trade with the American colonies since their independence, and asking 'are the people of England fools enough to plunge into another war, to spill rivers of blood and squander millions of treasure, for the sake of retaining this reluctant and worse than worthless colony?' was reprinted, and Place arranged for the circulation of ten thousand copies. Even Parkes was swept away by the enthusiasm, and a few weeks later co-operated with Place in circulating cheap reprints of Bentham's 'Emancipate your Colonies'.[2]

In the speech in Parliament in which Lord John Russell replied to the Radicals' attacks, he defended in detail the conduct of the Government in relation to Canada, and argued that British pride and prestige would not permit the giving up of the colony under such circumstances. Other nations must not be permitted to say, 'Here is the great British nation which has attained so much glory in war and prosperity in peace, forced to yield in a contest with one of her colonies'. It was a good speech of its kind, but one searches it in vain for any hope of or even desire for a *permanent* connexion between Great Britain and Canada. In the whole debate there was not the glimmer of an imperial vision.

The man to whom the Government turned once more to save it from its Canadian imbroglio, and, if possible, win back the Radicals, was to lead the way to the new Empire. A letter of Ellice's written a week after the news of the rebellion arrived, shows that Melbourne had already renewed his appeal to Durham to go to Canada as governor.[3] He was to have special dictatorial powers, and a commission to investigate the whole situation. After hesitating for over two weeks, with great personal reluctance and sacrifice he took up the task.

[1] B.M. Add. MSS. 35151, ff. 45–6.
[2] Ibid., ff. 53–7, 66–9.
[3] Lambton MSS., Dec. 29, 1837.

XVI

THE CANADIAN SITUATION

THE situation that awaited Lord Durham in Canada was the most critical in its history. The purpose of this chapter is simply to analyse that situation and thus provide the setting for his administration and his contributions to Canadian history. No attempt will be made to outline the events of every administration from the days of the conquest. Much of that will be taken for granted or must be sought elsewhere.

In both Lower and Upper Canada the population was divided into two clearly-defined sections whose antagonism for years had been bitter and apparently irreconcilable. While similar in many respects, the situations were so different as to render separate treatment necessary.

The clash in Lower Canada was economic, racial, and constitutional. The conquering British armies had found on the banks of the St. Lawrence an agricultural population which from generation to generation had lived its happy, contented, unchanging life isolated from the rest of the world. Fears of many sorts which the conquest aroused in their hearts were discovered to be unwarranted. They continued to enjoy their religion without let or hindrance; their happy social life still centred around the parish church; the same laws governed their civil relations, protected their property, and ensured their inheritances; their mother-tongue was preserved to them and shared the official honours with that of the conquerors. The real menace came not from the new political power, but from the establishment in their midst of a different type of life. A group of bustling Anglo-Saxon merchants, heirs of generations of commercialism, worshippers of what commercialism considered progress, threatened the good old life. The old province must be reshaped to serve their ends, the old ways must be broken down in the interests of every improvement that would facilitate modern business. All the way through the history of the province, from 1763 to 1837, this conflict between agriculturists of a particularly conservative stamp and mercantilism of an aggressive type can be discerned.

If there had been no racial difference this economic clash would have been inevitable in its character and serious in its consequences, but it was intensified by the fact that the agricultural interest was French and the more important mercantile interests were in the hands of the English-speaking traders. The old ways were defended with all that pride of race—not only the French blood but a peculiar pride in his Canadianism—which characterized the French-Canadian, while the more matter-of-fact Anglo-Saxon chafed at the unprogressive attitude of a conquered people that had the presumption to believe that it could thwart the march of progress which the British race had carried to the ends of the earth. Becoming more and more impatient at the way their economic aims were thwarted, the 'British party' rang the changes on the racial issue. This was a British country; it should be made British in fact as well as in name. There were murmurings that too much had been done for the French by the British Government and that much would have to be undone; the French must be forced to adapt themselves to English institutions. The British minority assumed with an easy insolence that the country belonged to them. The French suspected in every move of the British party a challenge to their ancestral institutions, and their devotion to these waxed stronger and more unconquerable in proportion to the impatience of their antagonists. Yet through it all the French-Canadians were loyal to the British Government and grateful for its generosity, and if these years saw a growing antipathy to their British neighbours in Canada they also saw a growing respect for the British Crown and a devotion to British ideals of government.

The Constitutional Act of 1791 had set up in each province a constitution under which the executive function was exercised by a Governor appointed by the Crown, assisted by an Executive Council also appointed by the Crown but always on the nomination of the Governor, and the Legislature consisted of a Legislative Council nominated in the same manner and a Legislative Assembly elected on a broad popular franchise. Naturally the British mercantile interests captured and retained control of the two Councils, and the French agricultural interests dominated the Assembly. To

suppose, however, as so many writers have done, that the political and constitutional struggle which resulted was only a form under which a racial rivalry fought itself out is to ignore the history of the American colonies, where a similar form of government had prevailed, and that of Upper Canada, in both of which cases no such racial lines were drawn and yet constitutional conflicts of the first magnitude were precipitated. If all Lower Canadians had been of the same race, the system of government would have produced a politico-constitutional clash which would have had the most serious consequences. The British Government learned singularly little, so far as colonial policy was concerned, from the American Revolution. Misunderstanding the cause of that movement to be a dispute over taxation, it was scrupulously careful in that field; but the political history of both Lower and Upper Canada in the period preceding Lord Durham's Report is to a remarkable extent a repetition of that of the American colonies. An English Executive in conflict with colonial Assemblies, well-meaning Governors tied up by instructions from London which were the result of ignorance rather than tyranny, colonial legislatures increasingly resentful of overseas restrictions on their legislation, the Assembly seeking to get its way through the control of appropriations, conflicts over a suggested Civil List, the refusal to vote supplies, the exaggerated importance and undisciplined ambitions of demagogues who constituted themselves tribunes of the people—they had been the staples of political warfare in the colonial days on the Atlantic sea-board, and here they recurred in the history of the Canadas. Some better constitutional way had to be discovered. The eyes of Downing Street were blind to this fact. Lord Durham was to see it clearly and point the way to stable government and a united Empire.

In Louis Joseph Papineau the French party in the Assembly possessed a leader of remarkable personal magnetism and oratorical power. Probably no Canadian leader has ever exercised such an influence over the electorate. Ardent and uncompromising in temperament, his speeches were frequently violent, exaggerated, bitter, and unfair. There is much in them that proves distasteful to the modern reader,

removed as he is from the emotions of that time. But one cannot read his private letters without admiration for a kindly and generous humanity and those finer qualities of mind and heart that were frequently obscured in the heat of battle. He was something of a demagogue, but in devotion to his country he was quite sincere. A bad system, fostered and intensified by a wealth of British ignorance, developed in his high-strung temperament a violent antipathy to things as they were. With all his faults he was, in the best sense of the term, a great Canadian. Under a better system he might have developed into a constructive statesman. As it was, the satisfactions of official service and power were closed to him, and the only outlet for his political instincts and ambition lay in the career of a perpetual leader of opposition, irresponsible and undisciplined. Steeped in democratic theory, he was conscious of the enthusiastic support for nearly a quarter of a century of a people who were so far from being sovereign that their will was constantly and contemptuously thwarted. He grasped for the only means of power that lay within his reach, that of obstructing and paralysing the efforts of those who sought to govern in the interests of a minority. Throughout the greater part of that period, minor government appointments in this French province were almost monopolized by Englishmen, and the more important offices were held by Englishmen and a few Frenchmen, who, it was believed, were selected on account of the ease with which they could be detached from the interests of the majority and controlled by the British minority. It is true that in the height of his career Papineau was offered a seat in the Executive Council. He has been blamed for refusing it, but he believed that he would be constantly overborne in the house of his antagonists and that he would have surrendered substance for a shadow.

The most powerful weapon within the reach of Papineau and his Assembly majority was control of the revenues, but in the earlier years the Government had enough revenue within its own control to enable it to defy the Assembly. Changes in the British political situation were to some extent reflected in Canada. When British Toryism was modified by the liberalism of the Canningites a series of reforms was initiated

in the Canadas. The recommendations of the committee of 1828 were for a time neglected, but ultimately most of them were acted on. With the accession of the Whigs to power in 1830 a more generous era of conciliation began. A fair share of new appointments was given to French-Canadians, the Councils were improved, and the impossible old system was patched up almost as well as it could be. The Assembly was offered control of all but the casual and territorial revenues on condition of its voting a very limited Civil List for the life of the sovereign. It refused to comply with the condition. When the British Government generously granted the Assembly all but the casual and territorial revenues unconditionally it maintained a recalcitrant attitude; it appeared to many to be refusing the hand of conciliation by making no move toward a Civil List. For this conduct Papineau and his followers have been severely criticized by the most eminent French-Canadian historians. But it is difficult to see how such a settlement, well-intentioned though it was on the part of the Colonial Office, could have afforded any permanent satisfaction. Under such a system the representatives of the people would have been able to create deadlocks by refusing supplies, but they would not have been able to exercise any positive power; the local oligarchy would not be dislodged so long as the salaries of the principal officials were guaranteed by a permanent Civil List. Papineau and his Assembly majority held out for control of the whole provincial revenue, and agitated for an elective Legislative Council which would give them complete control of the Legislature. In so doing, they were clearly following American models—as is suggested also by Papineau's leadership of the Assembly from the Speaker's chair. Nor were these the only respects in which the policies and suggestions of Papineau and his followers were determined by the political procedure of the United States. Here, as in the upper province, the constitutional influence of the neighbouring republic was strong.

The famous Ninety-two Resolutions of 1834 bristled with American conceptions of government. By that time the adoption of this extreme policy had lost Papineau the support of Neilson, Cuvillier, and other moderates who went over to

the camp where the watchword was the defence of the constitution. But the ensuing election gave Papineau a stronger popular majority than ever, which strengthened his confidence that he could force the British Government to concede his terms. For four years before 1837 either no supplies were voted by the Assembly or they were voted under conditions that caused the Legislative Council to throw out the bill. Salaries of all sorts were lamentably in arrears, the greatest distress prevailed among employees of the Government, and public services were disorganized. The British Government was clamorously urged by the 'British party' to take drastic action.

The British (mercantile) party had talked for years of the 'tyranny' of the Assembly, and certainly in the heat of the struggle that Assembly—like the British Parliament in the days of the Stuarts—had frequently used what power it had in a tyrannical manner. Now in 1835 and 1836 the word 'tyranny' assumed a grim reality, and the British party developed a desperate mood. No sympathy with the aspirations of the French agricultural population and the thwarted ambitions of their political leaders, no disgust at the alliance of a petty oligarchy with the big business interests, can blind one's eyes to the very real grievances of the British mercantile population as a whole. In the early days they had been forced to do business under a French legal system because a most reasonable compromise had been refused them (under circumstances, however, which had been most trying to the British Government and their Canadian Governor). The Assembly majority would not vote money for improvements in communication which were essential to the development of trade. When they sought to invest their profits in land they were confronted with hindrances of all sorts created or fostered by the agricultural population who did not want them on the land. For years the absence of Registry Offices made it impossible for them to secure clear titles, and the provision for the registration of mortgages was still exasperatingly unsatisfactory. And now this 'anti-commercial' party, as they called it, was paralysing the Government and establishing with a considerable degree of success what they considered a French ascendancy in

a British province. They saw the Whig Government in England pursuing toward that party a conciliatory policy which they believed to be hopeless, and the Governor, Lord Gosford, openly and extravagantly courting the support of the French leaders.

Two illustrations may inform us of the feelings that were frankly voiced by many of the British party during these years, 1835 and 1836. Mr. T. H. Stayner, Deputy Postmaster-General, described by one of Lord Durham's Commissioners as 'probably the largest landholder in the two Canadas',[1] was by no means an irresponsible hot-head, although he felt himself persecuted by post-office investigations. He wrote from Quebec, December 3, 1835, to the Hon. John Macaulay, who was about to become a member of the Legislative Council of Upper Canada:

> 'The conviction is fast forcing itself upon the minds of the English that the crisis is at hand *when blows must be come to* and the question be decided whether they are to be slaves or freemen. They feel at the same time that they cannot fight the impending battle without support. Some flatter themselves with the idea that the people of Upper Canada will be able to aid them in the contest, others that their hope is in the neighbouring States. I have very little doubt that a convention will be held before the winter is over to make preparation for an event that will effectually open the minds of the people of England to convince them when too late that an imbecile and truckling Government, in pandering to the violence and tyranny of a cruel French faction, have not only alienated the affections of their own true and loyal offspring, but lost to the Empire the finest jewel in the Imperial diadem! I should attempt in vain to describe the *savage fierceness* with which those of English origin now begin to speak on this subject. They are to a man disgusted with their prospects and ardently desirous of any change that may relieve them of the odious tyranny which now rules the country.'[2]

On the 16th of the same month the following statement was made editorially by the *Montreal Gazette*:

> 'The Americans prior to their Revolution for grievances of a lighter character addressed themselves patiently and calmly

[1] *Lord Durham's Report*, iii. 83.
[2] Ontario Archives, *Macaulay Papers*, Dec. 3, 1835.

to the Imperial Parliament, and when it turned a deaf ear to their complaints, they appealed to arms, and the result to them was success. They acted in the spirit of their fathers, and the Constitutionalists of Lower Canada are animated by feelings equally powerful and honourable. They are fully resolved, let the consequences be what they may, to uphold and preserve the inheritance bequeathed to them by their ancestors.'

When rebellion came two years later it was not from the British population, but from the more impatient among the French. The game was turned against them by the action of the British Government in the Russell Resolutions of March 1837, one of which empowered the Governor to use money out of the provincial revenues other than casual and territorial without any vote by the Assembly. This checkmated Papineau, spread a spirit of desperation among his more ardent followers, and lent colour for the first time to charges of British tyranny.. Up to this point the struggle had been against the despotism of a local oligarchy, and the only sin on the part of the British Government had been that of ignorance. Now a quarrel with England was developed, and every attempt was made to create parallels with the situation in the American colonies preceding the Revolution. The use of the people's money without the consent of their representatives was compared with taxation without representation, British goods were boycotted, and the vocabulary of the American Revolution was reflected in the names of such organizations as the Sons of Liberty. Papineau discountenanced anything in the way of violence, but among his supporters there developed drilling, military display, a considerable amount of sedition, and some treasonable language. At the same time many of the 'British party' were anxious to see rebellion break out in order that its suppression might give them control of the situation, and some of them seem to have conspired to provoke it. Whether or not Gosford and Colborne fell into their designs, it was their attempt to arrest Papineau that precipitated the rebellion. Papineau himself had never advised rebellion, and up to this point had used all his influence against it, in the face of the inflammatory utterances of the Nelsons and O'Callaghan. He took no part in the fighting. He cannot in any

reasonable sense of the term be considered the leader of the Lower Canada Rebellion. Its leaders were Dr. Wolfred Nelson, O'Callaghan, T. S. Brown, Girod, and Chénier, only one of whom was a French-Canadian by birth. The movement was confined to the Montreal district, about two thousand men were involved and it was easily suppressed. A serious situation might have developed, however, had it not been for the stalwart loyalty of *Le Canadien*, the most influential French newspaper, and the Catholic Church. The bishops made every possible effort to check the movement, and the priests with hardly an exception exerted their influence against it. The heartless destruction of property and burning of villages which followed the defeat of the rebels was for the most part, no doubt, the work not of the regular troops but of loyalists who had been terrorized in the preceding months and were seeking vengeance. But even those who realized this believed that it might have been prevented, and it created throughout the province a bitter and sulky feeling against Colborne and the British authorities. The rebellion had only intensified the difficulties of a situation for which neither Downing Street nor Lower Canada had been able to discover any adequate remedy and which was now submitted to the consideration of Lord Durham.

It would seem at first sight as though the situation in Upper Canada called for very little attention in a life of Lord Durham. While he was nominally Governor-General, the administration of the upper province was actually in the hands of its Lieutenant-Governor, Sir George Arthur. Lord Durham not only had very little to do with it, but his stay in Canada was cut short before he could thoroughly inform himself in regard to it, and the section devoted to Upper Canada is unquestionably the weakest part of his Report. It must be borne in mind, however, that all the most important recommendations of the Report applied to the Upper province as well as to the Lower, that they initiated a new era in Upper Canada, and that Lord Durham grasped the main factors of the situation there with sufficient clearness and vigour to point the way to the removal of the principal difficulties. Again, it has been generally supposed

that the principle of Responsible Government, the application of which he successfully recommended to the British Government, was first developed as a leading policy of the Reformers of Upper Canada. That assumption calls for consideration in the following pages.

In a province the entire population of which was of British descent there was of course no racial clash. While some of the discontent was caused by economic factors, there was no clear line of economic cleavage between the political parties. The constitution, however, was the same as that of Lower Canada, and its ineptitudes caused similar results. The governors fell into the hands of a local oligarchy which controlled the Executive and Legislative Councils. A Reform party was organized in opposition to this group, and when the former secured a majority in the Assembly there ensued a conflict between the governing bodies quite similar to that in Lower Canada. The principal difference lay in the fact that in Upper Canada the office-holders were supported by a party powerful enough at times to win elections and secure a temporary majority in the Assembly. Reform of the councils, complete Assembly control of the provincial revenues, exclusion of judges from the councils, were leading policies of the Upper Canada Reformers as they were of the Papineau party in Lower Canada. If the former were divided on the question of making the Legislative Council elective, so were the latter, and the immediate followers of Mackenzie supported that proposal as ardently as those of Papineau. Democratic sentiment was widespread in both provinces and at war with oligarchy. In both an effective democracy was impossible until Lord Durham's powers of analysis and vision were applied to the situation. Before that, the colonies were not trusted with the full British system of government, and in Upper as in Lower Canada, there was some tendency to turn to American conceptions. Bidwell led the Reform party in the Assembly from the Speaker's chair, the American principle of an elective Upper House was vigorously though not universally advocated by the Reformers, and a minority among them were in favour of pushing the elective principle to such extremes as the election of sheriffs and judges. This drift toward American

ideas was checked when Lord Durham turned the tide into the channel of the full British system.

The 'Family Compact' was the analogue of the 'Chateau Clique' in the lower province. No well-informed Canadian needs to be reminded that the 'family' feature of it was exaggerated. It may, however, be necessary to point out that its leading members were able if somewhat narrow-minded men, and that their administration was on the whole a capable one; that they were no more addicted to graft than many of the provincial governments of later days; and that while the Gourlay case shows the depths of injustice to which they were willing to resort in self-defence, their despotism was of such a nature that it came to be considered intolerable only because a large section of the Canadian people would be satisfied with nothing short of popular government. In their appointments to office they were rigidly exclusive, and the ranks of Reform were swelled and its leadership provided to some extent by thwarted ambition.

The sources of democracy in Upper Canada are to be found in the natural conditions of a new country and in the ideals and aspirations which its settlers brought from the United States and Great Britain. In Great Britain aristocratic traditions had centuries behind them, and in the United States they had some claims to recognition, but those of the Anglo-Saxon race who made their way into the woods west of the Ottawa and north of the Great Lakes and into the little towns on the water front, to win from nature a heritage of their own creation, were not likely to tolerate suggestions of aristocracy, social, political, or religious, which in the conditions in which they lived must necessarily bear the tinsel of an artificiality which they despised above all things. The essence of their character was self-reliance, the most prominent trait of their descendants to the present day—a self-reliance stimulated by the climate in which they lived and the necessities of their social life. Toward everything that smacked of special privilege and of honours and powers that were not the natural rewards of vigour and stamina they displayed a Canadian sensitiveness that the inhabitants of the older civilizations have not been able fully to appreciate even to this day. They had no time to

think about abstract theories of government, but the broad conception of democracy which had found expression in American institutions and was to flame up in the English struggle for Parliamentary Reform found among them a natural habitat.

Most of the earliest settlers were Americans. Rather than take part in a rebellion or to countenance a breach in the British Empire, they had found their way to the northern wilds that were still British. But they had been rooted and grounded in American conceptions of democracy and American institutions. If any way had been discovered of reconciling imperial unity and American self-government they would have welcomed it, and they did not leave their desire for self-government behind them when they entered Canada. By the Constitutional Act of 1791 they were granted an elective legislative assembly similar to those of their former home. But the British Government continued to encroach in the legislative field, and the Executive was, as in the American colonies, nominally British and actually oligarchic. Democracy and self-government were both checked half-way, and the sons and grandsons of the United Empire Loyalists were not the least restive in the growing colony. Then came Americans who were not Loyalists, but who, attracted to Canadian farm lands, immigrated from the United States in large numbers in the period between the American Revolution and the Canadian Rebellion. They became good Canadians in the sense that most of them were loyal to their new allegiance and took a pride in their new country that was of substantial importance in the development of Canadian nationalism. But they, like the Loyalists, brought with them an attachment to the institutions, social, political, and religious, of the American colonies and the early United States, the influence of which on Canadian life has received too little attention from Canadian historians. Most of them were not the 'republicans' that English and Canadian Tories accused them of being, for they believed that the institutions to which they were attached could be successfully operated under a monarchy, but they were thorough-going democrats.

The other source of immigration was the British Isles.

Following the Napoleonic Wars thousands left the 'Old Country' to seek their fortunes in Canada, and this stream rapidly became the main channel. They left a country seething with unrest and more than once on the verge of revolt. They were the children of discontent, and although conditions were better in the new world, it was difficult to cure them; they must have their discontent there too. At home they had, in the midst of dissatisfaction, seen a new light—Reform. They came, nearly all of them, from the lower and middle classes, and most of them were ardent supporters of that Parliamentary Reform which promised an effective democracy in Great Britain, and whose hope among the seats of the mighty during this whole period was—Lord Durham. It is significant that the years when this movement was at its height were those of the largest proportionate British immigration, and that many of these new settlers came from the north of England and Scotland where the Reform sentiment was strongest and where Lord Durham was most popular.

In Canada they were to enjoy the extended franchise which they had sought at home, but in spite of that they found Toryism in the saddle as it was in Great Britain before 1830. The Government was oligarchic in spite of a representative Assembly, and that oligarchy and its friends thought of democracy precisely as did the ruling class at home. The Governors, all of whom came from that ruling class, regarded the discouragement and suppression of democracy at all costs as the most sacred obligation of their office. So Reformers in England became Reformers in Canada. This was not true of all of them and the fact that the oligarchy, misnamed the Family Compact, received as much support as it did can probably best be explained by the skill with which its leaders misrepresented the settlers from the United States to the immigrants from England, the divisions which were fomented between earlier and later settlers, the power of patronage which was entirely in the hands of the Compact, and the impatience of sturdy practical farmers with political agitators who were able to achieve so little in the way of reform when they were in a majority in the Assembly. The forces of democracy were too strong to be

very long denied, but the great breach in the wall of oligarchy through which democracy was to enter the citadel was to be made by the same hand as in the Mother Country. Lord Durham's Report formed the Canadian counterpart of the Great Reform Bill.

The movement against the Family Compact was strengthened by religious feeling. The oligarchy was largely Anglican, and sought to secure to the Church of England the privileges of an established church. The Governors believed it to be their business to promote the Church of England in the interests of loyalty and the suppression of democracy. But the Anglicans were in a minority in Upper Canada. Among the American conceptions referred to above, none has been more vital than that of the separation of Church and State, and while the Americans were bringing with them that predilection, the English immigrants, most of whom were Dissenters, transferred to Canada the struggle to abolish their legal disabilities. In this, as in the Reform struggle, Lord Durham had been their outstanding champion among the ruling class.

To-day one may view that religious struggle in a detached frame of mind, but a hundred years ago feelings were whipped to a white heat. It was intensified and dramatized by two leaders of powerful personality. John Strachan was a convert to the Church of England from Presbyterianism; Egerton Ryerson, the Goliath of the Dissenters, had been refused ordination in the Church of England. Both made valuable contributions to Canadian progress, notably in the field of education. Since the Dissenters were more numerous, and their cause proved to be the victorious one, the virtues of Ryerson and the demerits of Strachan have been well impressed upon Canadian history-books. In their own day each was regarded by his supporters as a dauntless champion of righteousness, and by his opponents as a tricky ecclesiastical politician. The struggle for and against Anglican control was waged over legal restrictions (such as the disability of Dissenting ministers to perform the marriage ceremony), the schools, the university, and government grants, but it centred in the Clergy Reserves, those reservations of a fixed proportion of public lands for the support of

a 'Protestant clergy'. The success of the Church of England in securing the bulk of the Clergy Reserves was regarded as the crowning sin of the Anglican oligarchy. In point of fact, the Church of England made very little out of them financially, but men goaded by what they considered injustice and irritated by the handicap which the Reserves placed upon the economic development of the province, insisted on regarding them as sources of untold wealth. The Clergy Reserves were undoubtedly the main cause of discontent in the province and the greatest single provocative of the Rebellion of 1837. But, as in the case of the more directly political conflict, the Family Compact party was aided by divisions in the ranks of its opponents, and realized the value of the control of patronage. A few years before the Rebellion, Ryerson and the bulk of the Methodists, the strongest religious body, swung away from the Reformers. Their explanation was that they distrusted extreme views and feared disloyalty, while their opponents pretended to find the cause in recent substantial government grants to the Methodist Church. The issue split the Methodist force itself, as many of them, particularly outstanding laymen, stood for a refusal of all government support to a religious body, and for absolute separation of Church and State.

As far as the discontent in Upper Canada was economic in origin, it had to do mainly with the land. The oligarchy had been guilty of gross favouritism in the granting of land, and the whole system was unsatisfactory. The presence of large blocks of uncultivated Crown and Clergy Reserves in each township was a barrier to communication and impeded all community interests. Roads were bad, and there was little improvement in sight. Large tracts of land, much of it on the water-front, were kept vacant for speculative purposes. Everything conspired to handicap those holding land in the back-lying districts, where the feeling of dissatisfaction was most marked. It was believed that the Family Compact had no concern for these grievances and that its interests were bound up with their perpetuation. On the other hand the Tories supported the more extensive public works that were essential to the development of trade, while the Reformers assumed toward them a parsimonious and unprogressive

attitude that was particularly unfortunate when there was a Reform majority in the Assembly. In the period immediately preceding the Rebellion a financial depression stimulated the discontent, and the Rebellion itself not only caused further economic distress but cast a gloom that brought men to the verge of despair. It was for a stricken country that Lord Durham was called to prescribe.

Lord Durham's Report was to be the great healing measure. Its prescriptions were to be many and important, but the one that went to the heart of the situation was that principle which was to destroy oligarchy and make democracy effective, thus enabling the people to work out their own salvation—the principle that has come to be known as Responsible Government. When we employ that term in relation to present-day constitutional practice, we include most, if not all, of those conventions which govern the relations between the Crown, its Ministers, and Parliament. Some of those conventions were non-existent in 1838; that difference we may reserve for the discussion of the Report. But the most vital and central elements of Responsible Government were already established in British practice. The King's public acts were countersigned by Ministers who assumed individual responsibility for them, legal as well as moral, and the King's Ministers were collectively responsible to the majority of the House of Commons in a manner so direct and effective that they must resign as a body—or appeal to the electorate—when it became apparent that they had lost the support of that majority. It was particularly this latter collective responsibility to the Assembly, the Canadian counterpart of the House of Commons, which was designated as Responsible Government in the period between Lord Durham's Report and the administration of Lord Elgin, and the establishment of which has been considered the key-stone of Canadian political liberty.

In the best Canadian historical literature it is constantly assumed that this principle was a leading policy of the Upper Canada Reformers for some time before the Rebellion of 1837. Examining this in the light of the correspondence, newspapers, and pamphlets of the period, one cannot go very

far without realizing that he is confronted with a problem in terminology.

The term 'responsible government' was frequently employed by the Reformers. But it was used in a number of different senses, and scarcely ever in the sense indicated above—the Responsible Government of the 40's and the core of that of the present day. If we remind ourselves of the various ways in which the word 'responsible' is used in everyday parlance, we can understand better their employment of the term. The Reformers of pre-rebellion days did not start with a constitutional theory; few of them understood either the theory or practice of the British constitution. They started with facts. Their government was an *irresponsible* one in every common meaning of that term. Most of the offices through which the Government was administered were practically life appointments, made and continued without any reference to public sentiment. Their occupants had no sense of responsibility. They were accountable for their conduct to no one in Canada but the Governor whom they usually controlled. Their responsibility to the Colonial Office was, except on rare occasions, a dead letter. In their policies they need make no concessions to public opinion, and no matter how unpopular they might become, their tenure of office was still secure. Their rendering of financial accounts was unsatisfactory, and they were under no obligation to explain and justify their administrative transactions to either the people or the people's representatives. Some of the Governors took the position that the Assembly had no right even to discuss the executive side of government. In their sphere, the legislative, Reform Assemblies could achieve little, because their measures were thrown out by the Legislative Council, itself an irresponsible body made up for the most part of these same irresponsible officials. Government was thoroughly irresponsible in character.

The Reformers insisted that it should be made responsible. They wanted 'a responsible government'—frequently they employed the expression: 'a cheap and responsible government'. But how was this to be secured? Many suggestions were made and to each of them the term 'responsible government' was applied. The Governor should appoint

men who were the objects of popular esteem and he should dismiss individual officials who were unpopular; that was 'responsible government'. The Legislative Council should be made elective; that was 'responsible government'. It was even suggested that the Executive Council and most of the offices of state should be elective, and some extremists wanted an elective Governor. A common demand was that responsibility should be effected by the appointment of a court of impeachment independent of the Legislative Council. Sometimes the demand for 'responsible government' meant 'turn the rascals out and let good men in', and sometimes it meant simply disgust with the present order of things and delight in a phrase that was a good round mouthful. The prevalence of the form 'responsible to the *people*' is an indication that the agitation was not for Responsible Government in the later sense of the term. Occasionally responsibility to the *people's representatives* was demanded, but when the context is studied it may be seen that, in almost every case, that only meant a general accountability to the Assembly for their conduct.

But Responsible Government in the more precise sense in which that term was later employed was occasionally advocated in this period. This advocacy, never thrust into the forefront of political discussion, was nearly always associated with the names of William Warren Baldwin and Robert Baldwin. In 1828, a group of prominent citizens led by the older Baldwin petitioned the British Parliament to remove from office the advisers of the Governor when they lost the confidence of the people, and to provide satisfactory means for their impeachment. This looks like responsible government as it was advocated quite generally at that time—the removal of an official when he became unpopular and the opportunity of punishing him through impeachment. In that sense it was probably understood by most of those present. But William Warren Baldwin's letter to the Duke of Wellington, which accompanied this petition, is substantially a request for Responsible Government in the later sense of the term. It suggests 'a provincial ministry responsible to the provincial parliament and removable from office by His Majesty's representative at his pleasure and especially

when they lost the confidence of the people as expressed by their representatives in the assembly', and that all acts of the Governor should be countersigned by one of these ministers. In the *Upper Canada Herald* of October 14, 1829, reference is made to a pamphlet which suggested that the Executive Council should be made up of heads of departments, and 'resignation of office must follow the loss of a parliamentary majority'.[1] This too was probably the work of one of the Baldwins or of that small circle of friends who alone understood what they were aiming at.

Certainly Responsible Government of this type was never a leading tenet of the Upper Canada Reformers in the period before the Rebellion. One searches for it in vain in the speeches, resolutions, and election appeals until the year 1834, and while a few traces of it can be found then, it was not an issue in the election of that year; and when 'a responsible government' found a place among the listed policies of the Reformers, it was worded in the vaguest and most general terms. The Reformers won the election of 1834, but no trace of the Baldwin doctrine can be found in the address in reply to the Governor's speech when the Assembly convened in the following January. The request was there made that 'the favours and patronage of His Majesty' should be 'indiscriminately bestowed on persons of worth and talent who enjoy the confidence of the people *without regard to their political* or religious *opinions* and Your Excellency's Councils filled with moderate, wise, and discreet individuals who are understood to respect and be influenced by the public voice'. The phrase is not mentioned, but this is probably what 'a responsible government' meant to most of the Reformers in that assembly.

But a trace of the Baldwin idea (Responsible Government in its ultimate connotation)[2] can be discovered a few months later. As chairman of the Committee on Grievances, William Lyon Mackenzie was given full opportunity for his favourite occupation. Nothing was overlooked, and the grievances discovered were legion. Several hundred stock questions

[1] Miss Dunham, *Political Unrest in Upper Canada, 1791–1836*, pp. 167–8.

[2] Where the term is employed in this sense I have capitalized it throughout.

were put to the witnesses examined by the Committee, and among them was this one: 'Would not the British constitutional system, by which the head of the government is obliged to choose his counsellors and principal officers from men possessing the confidence of the popular branch of the legislature, be more suitable to the wants and wishes of the country, if adopted in Upper Canada, than the present irresponsible form of government?' This was very indefinite, fell far short of the Baldwin expositions, and was calculated to elicit a favourable reply from many who did not understand and had never advocated what came to be known as Responsible Government. Few of the witnesses showed any appreciation of the significance of the application of the British system. Considering his point of view, the most intelligent answer was that of Archdeacon Strachan: 'I do not believe that the government is an irresponsible one; the rest of the question is too vague to permit of a definite answer.' But a sufficient number of favourable answers was received to permit the committee in its report to group the witnesses into three classes—first, those who believed that the Government was well enough as it was; second, those who 'desire a responsible ministry—some heads of departments well paid, to direct the government, to prepare bills and most of the business of the session, and to hold office or lose it according as they may happen to be in minority or majority in the House of Assembly'; third, those who 'contend for elective institutions'. The report stressed the necessity of an elective Legislative Council, the principal demand of the Reformers throughout this period, and the sympathies of the Committee were clearly with this third class. This Seventh Grievance Report was never adopted by the Assembly, but on April 15, 1835, five days after its presentation, the Assembly passed a petition to the King which dealt mainly with the Legislative Council, but which in its closing words expressed approval of the principle of His Majesty 'graciously consulting the wishes of your faithful people as expressed by their representatives in the choice of responsible advisers', which was sufficiently indefinite for the majority to vote for it.

In the following year, 1836, Robert Baldwin had a splendid

opportunity to urge upon the Governor the view held by himself and his father. Sir Francis Head, the new Governor, sought to reform the Government by retaining in his Executive Council three not unpopular Tories, and appointing to act with them three generally esteemed Reformers, one of whom was Robert Baldwin. That was in exact accordance with the Reformers' address of the preceding session. It was selecting as advisers 'persons of worth and talent who enjoy the confidence of the people without regard to their political opinions', and Mackenzie and other Reformers rejoiced that a 'responsible government' had been established.[1] But it was very far from the Baldwin conception. Baldwin at first insisted that since the Reformers were in a majority in the Assembly, the remaining Tory counsellors should be dismissed and their places filled by Reformers. He probably also urged on Head the permanent adoption of a rule that the Council must collectively have the support of the majority of the Assembly. But since the Governor would not consent, he waived the insistence on the immediate application of his principle and accepted office.

The issue which developed a few days later between Head and his Council was not over the Baldwin principle of Responsible Government except in so far as the latter included the necessity of the Governor consulting his Council. Of the dependence of the Executive on a majority in the Assembly there is not a trace in the Council's protest to the Governor.[2] They simply claimed that in accordance with the Constitutional Act the Governor was obliged to consult them in regard to the *whole* administration of the province. In so doing they took an entirely false position, and Sir Francis Head and the lawyers of the Family Compact, who now rallied to his support, had an easy task in proving that the Constitutional Act only required that the Governor consult his Executive Council in certain specific matters, while in other respects he was free to ask their advice when he felt that he needed it. So pliable, however, was the *term*

[1] See especially Neilson Papers, Mackenzie to Neilson, Feb. 22, 1836, and *Correspondent and Advocate*, Feb. 25, 1836.

[2] Upper Canada Sundries, Mar. 4, 1836. Printed in the newspapers of that month.

'responsible government' that both sides claimed to be contending for it. The Council insisted on being consulted in order that they might be fairly held responsible to public opinion. The Governor represented them as seeking to secure for themselves and their friends the patronage which he proposed to distribute impartially, and appealed to the country against 'the family domination of an irresponsible Cabinet', and to the farmers particularly against 'the irresponsible domination of a Toronto ministry'. After the Executive Council had resigned and the Governor had appointed others in their place, the Toronto city council, pressing one meaning of the term 'responsible government', protested to the Governor that these new appointees did not 'possess the public confidence'. Head, always more astute than his opponents, replied that the best proof that one of these men possessed the public confidence lay in the fact that the very body from whom this address emanated had a few weeks before elected him Mayor of Toronto.[1] Even the few who understood and believed in the Baldwin conception of Responsible Government refused to advocate it boldly, and the only clear references to it during this struggle are occasional warnings on the lips of Tory speakers. Robert Baldwin claimed at a later date that Responsible Government, as he championed it, was approved by a resolution of the Assembly shortly after the resignation of himself and his colleagues. But that resolution, dealing in the main with a request for information from the Governor, simply declared 'the appointment of a responsible Executive Council to advise Your Excellency on the affairs of the province to be one of the most happy and wise features in the Constitution'; it was carried by a vote of 55 to 2. The Tories declared during the debate that they and the Governor would welcome the fullest publication of facts and that they considered that the Council was and always had been 'responsible'. The speech of Peter Perry, who moved the resolution, shows clearly that his idea of a responsible Executive was quite different from that of Baldwin; and Hagerman, who led the debate for the Tories, while insisting that they had always had a responsible

[1] The mayor was at that time elected by the councillors, who were elected by the citizens.

executive, declared that he would vote for the resolution on the precise understanding that he refused to discuss any question of principle until they had the facts before them and knew what they were talking about. For Robert Baldwin to use that resolution to support his clear-cut advocacy and exposition of Responsible Government in his letter to the British Government was misleading—to the British Government at the time, to Lord Durham in the preparation of his Report, and indirectly to later historians.[1]

The Governor who unfurled the British flag on Government House, and directly appealed to the electors in the most fervid language to support the King's Representative and the British connexion, has been regarded as something of a clown on the stage of Canadian history, and his victory over the Reformers in the election of 1836 has been ascribed to an unscrupulous use of the Government patronage and to the support of Ryerson and the Methodists. Both patronage and the Methodists played their part. But Head can be acquitted of the flagrant dishonesty with which he was charged; and Ryerson had deserted the Reformers before the election of two years before, although he took a more active part against them at this time. The whole story has been regarded too much in the light of a later time when Canada is no longer a colony and when, therefore, British connexion is not in serious danger. Head possessed two gifts which he employed with remarkable success—the gift of language and that of popular appeal. The leaders of a democratic party found themselves confronted by a governor determined to do his own ruling irrespective of party, in the interests of the whole people and with their approval, who had a natural bent for the art of demagoguery and who could beat them at their own game.

Whether or not they pulled the wrong man out of bed

[1] I have not mentioned the so-called debate on Responsible Government, Apr. 11, 1836, because it is simply an incident in a struggle which cannot be described in detail here. This debate was on an amendment moved by Peter Perry to the effect that it 'was one of the brightest features of the British constitution that the head of the Government is assisted in *all* its affairs by the advice of *known and responsible* councillors and officers who possess the confidence of the people'. A careful perusal of the verbatim report will yield the same conclusions as I have stated above in regard to the whole controversy between Head and the Reformers.

that morning in Kent to confront him with the astounding news that he had been appointed Governor of Canada, this obscure poor-law commissioner, pitchforked without adequate political knowledge into one of the most difficult situations in political history by a government which cared little about colonies, deserves more sympathy than he has ever received. He had no solution for the difficulties; no one had till Durham came. The one he suggested was well-meaning. He was more liberal than any of his predecessors, less interested in politicians, and more interested in the common people. He took the people into his confidence as no previous governor had done. It was perhaps a skilful satellite of his, or even his own fine pen, that introduced into an address from backwoodsmen the statement that when they went to their shanties at night they thought of him as their friend, but in the enthusiasm of the moment they may well have adopted the sentiment as their own; they were sick of politics and sought only the impartiality which he promised them. As long as he could talk and write and promise, and his administration was not yet tested, he was brilliant. He fought with the courage which always wins men, in behalf of a sentiment in which they believed. He was regarded in those early days of his régime by thousands of Canadians—thousands even who had been consistent Reformers—with a deep admiration, which it should not be so difficult for us to understand. He sincerely believed that he was fighting for British connexion and British institutions, and perhaps he was. The programme with which the Reformers confronted him—elective Legislative Council, control of all revenues by the Assembly, the British Government to keep its hands completely off colonial legislation—was an American programme. 'Responsible government' was mentioned occasionally in the varied senses indicated above, but it was usually responsibility 'to the people', and direct responsibility to the people was the American idea of government. To Head, the Reformers either consciously or unconsciously were making for independence and American annexation. The Reform newspapers advocated an elective Legislative Council as the great desideratum, and if the bulk of the people could then have been converted to it—to say nothing

of a number of other American institutions that were advocated—the retention of a British Canada would have been much more difficult. Head—ignorant, prejudiced, blatant as he was—was not altogether wrong in his instincts. The people, though discontented and anxious for popular government, were devoted to British institutions, and there is a striking contrast between the failure of the Reformers in the election of 1836 and the overwhelming popularity of Lord Durham's Report, recommending as it did a system that was as thoroughly *British* as it was democratic.

The Governor had behind him in this election the best brains of the Family Compact, who foresaw that in a few months he would be in their power; and the Reform leaders played into his hands. They permitted the battle to begin over what he could easily represent as a scramble after patronage. On the eve of the election he enlightened the public as to the way in which they were abusing the patronage already in their hands as leaders of the Assembly. Local improvements were controlled by commissioners appointed by the Assembly. The Governor published the list of commissioners. Nearly all the names were those of Reform members of the Assembly; Bidwell was a repeater, Peter Perry's name occurred no less than six times, and various family relationships were involved.[1] These were the men who were attempting to capture from the Governor the main patronage of the province; that was the meaning of their insistence on being consulted on *all* the affairs of the province and their objection to his making appointments on his own initiative. He represented himself on the other hand as the guardian of the people's interests, who would save them alike from the Family Compact and from these hypocritical self-seeking agitators. The Reform leaders took up an untenable position on the Constitutional Act, and this enhanced the moral strength of Head's position. Just before the dissolution of the Assembly, Bidwell, the leader of the party, in his capacity as Speaker, laid before that body a letter from Papineau which said, 'the state of society all over continental America requires that the forms of its government should approximate nearer to that selected under propitious

[1] *Speeches, Messages, and Replies of Sir F. B. Head*, pp. 59–60.

circumstances and after mature deliberation by the wise statesmen of the neighbouring Union', and urged a stalwart opposition to British oppression. Nothing could have given more convincing colour to Head's flag-waving. Mackenzie and Peter Perry attacked the Governor in terms that justified his statement that 'in no part of the civilized world would such language be tolerated', and were so insulting that they must have turned votes against them even in a day when open criticism of governors was a popular practice. It was easy for Head to make men believe that he was being vilified simply because he was doing his duty like a man. Whether or not the Assembly's refusal of supplies was a mistake in itself, it rocked a financial boat that was in heavy seas; it did this in the interests of a course that was as badly presented as it was conceived; and gave an air of sincerity and a convincing force to Head's 'bread and butter' appeals.

The defeat of the Reformers sent Robert Baldwin to England, and placed that stalwart champion of self-government in the inconsistent position of complaining to the Home Government against a Governor who had been sustained by a popular majority. Lord Glenelg, the Colonial Secretary, refused to grant him a personal interview, and as a consequence Baldwin wrote him a letter which gave a clear statement of the Responsible Government which was ultimately to prevail—government by a Cabinet occupying the same position in relation to the Governor and Legislature as did the British Cabinet to the King and Parliament, and holding or resigning office on the same conditions—the letter which at a later date probably suggested to Lord Durham the ideas that revolutionized the British Empire. But neither Glenelg nor any of his colleagues could rise to an imperial vision, and they would have none of Baldwin's suggestions. This letter of Robert Baldwin's, as well as his father's letter to the Duke of Wellington, probably misled the British Government into believing that whenever the Canadian Reformers spoke about 'responsible government' they meant what Baldwin meant, and that his suggestions represented a general demand in the Canadas. This error is reflected in the official reports of the period and in the Russell Resolutions.

In the meantime things went from bad to worse in Upper Canada. It was soon apparent that though Head could win an election, he could not govern. No one could have governed the province successfully under that old system, but few could have done as badly as he. His policy proved to be an impossible one, Family Compact rule came back again, the country was caught in a financial depression, and discontent smouldered and flared as never before. The situation seemed hopeless. Mackenzie, embittered by the defeat of the Reformers, became wilder in his talk, and the heightened disaffection turned his thoughts definitely toward rebellion. Mackenzie's chief lieutenants were drawn from that minority group which he had led within the Reform party. The main body of Reformers held aloof. No doubt many more were ready to take up arms than were represented in the fiasco of Yonge Street and the western risings, but the number of potential rebels constituted a small proportion of the population. On the placid surface of the British mind, however, the news of rebellion in both the Canadas broke like a bombshell, and in the excitement of the moment the extent of the disaffection was vastly exaggerated. The sensational news came to England in many a distorted form —including American newspapers which, with the dash and enterprise that characterized them even at that early date, reported that the city of Toronto had been captured by the rebels, the Governor and all the officials imprisoned, and many buildings consigned to the flames.[1]

The principal results of the rebellion were that it placed a colony for the time being in the centre of the stage in Great Britain and brought Lord Durham to Canada.

With the leader of the rebellion Lord Durham had nothing to do except to prevent his return to the province. But the post-rebellion situation cannot be understood until we disabuse our minds of two popular fallacies in regard to William Lyon Mackenzie—that he had been the leader of the Reform Party in Upper Canada, and that he and his rebels fought for Responsible Government. The recognized leader of the Reformers during the whole period in which Mackenzie was a member of the Assembly was Marshall Spring Bidwell.

[1] *Buffalo Journal*, Dec. 6, 1837.

Mackenzie did the most talking both inside and outside of Parliament, and by his good and bad qualities alike got himself into the centre of the most riotous scenes of the period; as a result he was frequently a popular hero, but his popularity waxed and waned with bewildering rapidity. It was stated by a Reform speaker after the rebellion that although the Reformers were in a majority in the Parliament of 1835–6, Mackenzie voted in a minority more frequently than in a majority. An examination of the Journals of the House shows that that was not true, but that he did vote in a minority on a number of occasions. This was not because he voted with the Tories but because he brought in motions of which most of the Reform members disapproved. He was generally supported by a group of extremists of which he was the leader. Their names recur among those most prominent in the rebellion. They followed him to the end; they were 'his own true blues'.

As for the rebels fighting for Responsible Government, it should be clear at first sight that the constitution issued by Mackenzie was built up directly on that of the United States and was quite inconsistent with Responsible Government. Immediately before the rebellion he had been summarizing and holding up for the emulation of the people of Upper Canada various American state constitutions. A complete review of his newspaper articles, letters, and published speeches would show that while he occasionally employed the term 'responsible government' he did so infrequently, and that on almost every occasion he used it either in a very general sense or in one of the senses noted above *other* than Responsible Government as it came to be known in later Canadian history and constitutional practice. One of the means by which Mackenzie hoped to secure 'a responsible government' was the election of the Legislative Council, to which he sometimes added the election of the Governor; another was control of the revenue by the Assembly. We have already noted the attitude of the Seventh Grievance Report of which Mackenzie was the chief author and the fact that he rejoiced at the establishment of what he considered responsible government by Sir Francis Head. On the other hand there are a few recorded statements of Mackenzie's

in which he did refer to the desirability of the Executive Council being made responsible to the majority of the Assembly in such a manner that they should resign when they lost that majority. These are sufficient to show that the idea advocated by the Baldwins entered his mind at times as one of a number of desirable changes; but he was never a consistent advocate of it, and neither he nor any of the Reform leaders placed it in the forefront of the battle. He did not show any clear appreciation of its significance; in his letters to Neilson[1] he revealed an uncertain knowledge of the working of the British system of cabinet government; and in the years immediately preceding the rebellion he made no mention of it. None of his fellow-rebels advocated Responsible Government in its true connotation.

Mackenzie was not a constructive political thinker, but he was of the stuff of which good leaders of revolt are made. Always on the track of wrong-doing, he sometimes saw evil where it did not exist, he was frequently violent, abusive, and even wild in his language, but he was a man of rugged independence, high principles, stalwart courage, indefatigable industry, a fiery hatred of oppression and injustice in every form, and a passionate love of liberty. He was heroically unselfish, and he suffered more for his convictions than any public man of his time. He led a revolt against conditions under which men who loved freedom could never be content. For his zeal and public spirit, frequently mistaken as it was, Canadians of succeeding generations must be sincerely grateful. He laid the axe to the root of the tree. He made possible the constructive period which followed the rebellion and Lord Durham's Report.

While discontent was rife in each province, the relation between the provinces was far from satisfactory. The ocean ports were in Lower Canada, and geography made of Upper and Lower Canada an economic unit which politics had divided. The British Government devised various means of affording Upper Canada a share of the customs duties collected at the ports of the lower province, but one arrangement after another proved unsatisfactory. Upper Canada spent large sums on waterways in the interest of inter-

[1] Canadian Archives, Neilson Papers.

provincial trade which were rendered nugatory by the failure of Lower Canada adequately to improve its means of communication. But although economically desirable, the union of the two provinces was opposed by various groups on political grounds. The British merchants of Lower Canada strongly favoured it. It was probably in their interests that a union bill, credited to Edward Ellice, was introduced into the British Parliament in 1822, but in the face of protests from Canada and opposition from home it was withdrawn. It contained provisions that were unjust to the French-Canadians and thus increased the bitterness with which they opposed any suggestion of a union of Upper and Lower Canada.

There has been a tendency to speak of Self Government and Responsible Government as though they meant the same thing. Self Government in Canada—that is the control by Canada of her own affairs—was attained largely through the establishment of Responsible Government as a result of Lord Durham's Report, but it is necessary to keep the two ideas distinct. Responsible Government made executive Self Government possible; there had already been a considerable measure of legislative Self Government. The latter was a heritage from the American colonies. The British Government made an honest effort to afford the Canadian Assemblies something like legislative autonomy, but Canadians of all parties became increasingly sensitive to occasional interferences by the Home authorities in this sphere of government. These manifestations were part of a growing desire to control their own affairs, executive and legislative alike. Canada was approaching the situation of the American colonies on the eve of the Revolution. That break had come because no constitutional scheme was forthcoming that could retain a healthy nationalism within the larger circle of Empire. It has frequently been said that if a Lord Durham's Report had been possible in 1775 the American Revolution would not have taken place. But there was no Lord Durham at that time and, what is more important, there was no possible receptivity in the British Government to a Lord Durham's Report. An oligarchy dominated by rotten boroughs could not be expected to appreciate either

American democracy or the American desire for self-government. But in the intervening years, largely through Durham's efforts, the oligarchy had been destroyed and the foundation of a democratic Britain had been established. So the two movements were united in his person. He came to Canada to complete his life-work by laying the foundations of a new Empire which in the freedom, pride, and enthusiasm that self-government brings would gird that new Britain whose face he had set toward a sane democracy.

XVII

PREPARING FOR CANADA

After some hesitation, and an urgent personal appeal from the Queen, Lord Durham accepted appointment as High Commissioner of British North America, January 15, 1838. On the same day he wrote to Lord Grey:

> 'I have stipulated with Melbourne that it is to be a temporary mission. I am not to be stinted in powers or in money and am to have unstinted appointment of all civil officers whom I may think necessary for the efficient execution of my duties. The undertaking is a fearfully arduous one and nothing but the extreme emergency of the case could induce me to make such a sacrifice both public and private. . . . I hope my absence will not be extended beyond the autumn of next year.'[1]

At the same time Lady Durham wrote to her mother: 'There is quite enough in such an undertaking to make one very unhappy', and on the next day:

> 'Lambton is becoming so excited, that I hardly dare appear before him with a grave face, and yet . . . it is *impossible* I should not feel many a bitter pang and many a heavy anxiety. . . . I would not move a finger to help the *Government*. But when one is told that one may be the means of doing so much good and of preventing great bloodshed in an unhappy country, then I think it is difficult to refuse one's best exertions, and if the thing succeeds I shall rejoice on this account, but not at all for the sake of the Government. I feel a wicked wish to say this to all of them and have done so to Mr. Ellice and Mr. Ponsonby, but I suppose even if I have the opportunity, that I may as well hold my tongue with the others.'[2]

There are words in Melbourne's reply to Durham's letter of acceptance which, in view of what happened later, assume a grim significance: 'I can assure you that I consider you as making a great sacrifice for the chance of doing an essential service to the country. As far as I am concerned, and I think I can answer for all my colleagues, you will receive the firmest and most unflinching support.'[3]

On the 17th Lord John Russell introduced the measure which suspended the constitution of Lower Canada until

[1] Howick MSS., Jan. 15, 1838. [2] Lambton MSS., 'Tuesday' (Jan. 16).
[3] Ibid., Jan. 15, 1838. Given in Reid, ii. 149–150.

November 1840, and provided for a Special Council,—five members to constitute a quorum—with the advice and consent of the majority of which the Governor should be empowered to make any laws or ordinances within the powers of the suspended legislature. A number of the Radicals opposed the measure at first in spite of their enthusiastic appreciation of the appointment of Lord Durham, but their opposition dwindled as the bill proceeded until on the last division only eight votes were recorded against it. The Tories supported the second reading, but promised amendments in committee. Under pressure from Peel and at the suggestion of Ellice, Russell withdrew a preamble on whose maintenance Lord Durham had attempted to insist. It related to a conference of representative men of the two provinces which the Governor was to summon to secure advice with a view to government improvements, and reminds us of Lord Durham's care at the time of the preparation of the Reform Bill to be thoroughly informed in regard to the sentiments and desires of the people and of the popular leaders. As we shall see, Lord Durham chose another way of securing the opinions of the Canadian people.

The debates on this measure were for the most part trite and monotonous, and reflected a most superficial knowledge of the Canadian situation. Most of the Radical speakers gave expression to the desire of that party for an immediate separation of Canada from Great Britain, while nearly all of the other speakers regarded such a separation as being inevitable in the course of time, but insisted that the time had not yet come. The latter number included Russell. Not a single speaker ventured to predict or hope for a permanent connexion. There was no criticism of Durham's appointment, most of the speeches expressed hearty approval of it, and the Radicals pronounced enthusiastic encomiums on his capacity and integrity. Peel and Warburton threw out the suggestion of a federation of all the British North American provinces. Charles Buller startled the pious attitude of some of the members toward the rebels by insisting that the Government should 'set a memorable example by not shedding one drop of blood'.

In the Lords, Brougham attacked the Government with

an impetuosity, a fierceness of invective, and acerbity of sarcasm which even he had rarely equalled. Rightly or wrongly his hearers felt that his speeches were coloured by his personal quarrel with Melbourne. Those who anticipated a renewal at this time of Brougham's feud with Durham were disappointed. He mentioned Durham's name only once, and then in an obviously sincere reference to his patriotism in undertaking the mission. Brougham rang the changes on the hesitancies, delays, and inconsistencies of the Government's conduct in relation to Canada.

> 'If you will have dominions in every clime, if you will rule subjects by millions on opposite sides of this globe . . . I stop not to inquire, nor do I raise the question, whether to the distant millions, over whom you thus assume dominion, this mighty or remote sceptre be a blessing or a curse. But of one thing I am absolutely certain, that, at all events, this resolution to retain so vast an empire imposes on you the paramount duty of wakefulness over its concerns. It prescribes the condition that you shall be alive to its administration—that you shall not slumber over it, neither sleep, nor like the sluggard fold the hands to sleep.'

In another passage he said that when compared with Melbourne and Glenelg 'King John or Richard Cromwell became wise, politic, and vigorous rulers'. In a later speech he did not 'set any high value upon such a possession as Canada'. 'In a national way I really hold those colonies to be worth nothing.' The only important question was the mode in which a separation, sooner or later inevitable, was to take place. In the present instance, British pride would have to satisfy itself by the suppression of the rebellion and the re-establishment of authority. After that was done, there should be 'an estimate calmly made of the profit and loss which result from our North American domain. I am well assured that we shall find there very little worth the cost they have entailed on us in men, in money and in injury to our trade; nay, that their separation will be even now a positive gain, so it be effected on friendly terms and succeeded by an amicable intercourse'. The contrast between Brougham's attitude to the Empire and that of Durham must be borne in mind when we come to a consideration of the crisis of the following summer.

Melbourne took Brougham's first attack patiently, satisfying himself with a reference to his speech as 'a most laboured and extreme concentration of bitterness'. But on the next occasion, the easy-going Prime Minister launched a counter-attack that was permeated with personal feeling. He favoured the House with a passionate history of the personal quarrel between himself and Brougham. Brougham leaped to his feet and, with a dramatic gesture toward Melbourne, cried out, 'I hurl my defiance at his head! I repeat it. I hurl at his head this defiance. I defy him to point out any, the slightest indication of any one part of my political conduct having even for one instant been affected in any manner by feelings of a private or personal nature.'

Lord Durham was reminded in these days of his own quarrel with Brougham, of a mutual antipathy of long standing between himself and Melbourne, and of the fact that the Tories hated him as their most deadly foe. In a short speech, which was his only contribution to the debate, he urged in the most tactful and persuasive manner that they should all rise above such considerations for the sake of the larger interests involved. He had undertaken this task only after the greatest reluctance. If, however, he could open the way to better government and renewed prosperity in Canada, he should deem no personal sacrifice too great for such a result. 'I feel, however, that I can only accomplish it by the most cordial and energetic support, a support which I am sure I shall obtain, of my noble friends, the members of Her Majesty's Cabinet; by the co-operation of the Imperial Parliament; and, permit me to say, by the generous forbearance of the noble lords opposite, to whom I have always been politically opposed.'

Early in February Lord Durham as Deputy Grand Master of England presided at a Masonic Festival in honour of the Grand Master, the Duke of Sussex. He referred to his approaching mission to Canada and 'hoped he should ever be guided by the principles which adorned the craft. He hoped that he should ever recollect that the main characteristics of Masonry were charity and forgiveness to all mankind'.[1]

Lord Durham's instructions and commissions differed

[1] *Morning Chronicle*, Feb. 7, 1838.

materially from those of previous Governors. Like them he was to administer Lower Canada and to be Governor-in-Chief of Upper and Lower Canada, New Brunswick, Nova Scotia, and Prince Edward Island, but it was intended that his powers in relation to these latter provinces should be much less formal than those of his predecessors. He was to be, in a full sense of the term, Governor-General of all the British North American provinces, including Newfoundland. He had a great task of investigation as well as of administration, and was appointed 'High Commissioner for the adjustment of certain important questions depending in the provinces of Lower and Upper Canada respecting the form and future government of the said provinces'. It was recognized that these problems were related to problems in the other provinces.

While visiting any province he was to assume full administration of its government. 'It will be the duty of each Lieutenant-Governor to enter into a free and confidential correspondence with your Lordship on every topic on which you may invite such communications, and to obey every instruction not in itself unlawful which you may address to him; but it will be desirable to limit such correspondence to questions of general and permanent interest.' He was also given an absolute power of pardon in cases of treason without any necessity of waiting 'till the royal pleasure should be known'.

In effect, Lord Durham was to exercise dictatorial power in Lower Canada, was to exercise supervision at will over the government of the other provinces, and as High Commissioner was to shape and recommend a new system of government. No man before or since has been sent to America with such vast powers and such important duties. In his instructions there was little to guide him and little to restrict him. As Sir Charles Lucas has said, 'it would be difficult to find a more futile set of instructions to a strong man setting out on a difficult mission, but they had the merit of leaving him a wide discretion'.

During the months that intervened between his appointment and his sailing for Canada, Durham, who always studied closely any question with which he had to deal, was

informing himself in regard to Canada, and was being informed by various voluntary communications from interested and disinterested parties. Letters, petitions, and newspapers streamed in to him directly or through the Colonial Office from British merchants interested in the Canada trade, such as Gould and Gillespie, who had for some time conducted an efficient bureau of information for the Colonial Office in their own interests. Through these and similar communications from Moffatt and Badgley, Canadian merchants who had come to London at this time with the purpose of getting the ear of the English Government, Durham received very extensive *ex parte* information in regard to the grievances of the British party and the measures they advocated, with a special emphasis on the union of Upper and Lower Canada, the sins of the French, and the necessity of destroying French pride and making Canada 'British in its laws, language, custom and feelings'.[1] One of the letters communicated to Lord Durham in this manner was from Archdeacon Strachan. Among other things he described his feelings at the time of the Upper Canada Rebellion. He could not understand why he was only third on the rebels' list of those to be hanged. 'The Governor had precedence, but why in this career of honor the Chief Justice [John Beverley Robinson] should have been placed before me I have yet to learn.' The reason, no doubt, why the letter was forwarded to Durham was that it contained the following statement: 'One thing must never be lost sight of, whether the measure be a union of the two provinces or a federal union of all the British North American Colonies, and that is, a representation possessing British principles and feeling must be secured.'[2]

In a lengthy memorandum addressed to Durham by Moffatt and Badgley, April 9, they advocated the following aims and measures—a fixed Civil List, improvement of the compositions of the Councils, the independence of the judiciary, a provincial tribunal for the trial of impeachments,

[1] *D.P.* 1, i. 211 seq., 561 seq., 564 seq.; 6, i. 323 seq., 284 seq., 303 seq., 450 seq., 465 seq., 486 seq.; G. 38: 660.

[2] *D.P.* 6, i. 466 seq.; Strachan to Gillespie, Mar. 2, 1838. Enclosed in Gillespie to Durham, Apr. 19.

a general and efficient system of elementary education supported by contributions of the inhabitants, the improvement of the St. Lawrence waterways, an adequate system of registration for incumbrances on real estate, abolition of feudal tenure, incorporation of the cities of Montreal and Quebec, improvement of the jury law, rearrangement of the electoral constituencies of Lower Canada to afford adequate representation to the British population, 'losing the French population in the great Anglo-Saxon family established through North America', and a legislative union of Upper and Lower Canada.[1]

Roebuck, who had been the agent in London of the Lower Canada Assembly, made no such effort to bring the French point of view before Durham's attention, nor did any of his Radical friends.[2] Durham could learn much of it, however, if he had the patience to wade through their verbose pamphlets and speeches. 'Bear' Ellice apparently turned over to Durham two letters which he received at this time from the French-Canadian leader Lafontaine, who was in Paris. Writing on March 15, Lafontaine told Ellice that the appointment of Lord Durham had awakened in him the hope of a better future and that he had written to Canada to that effect. He hoped that a general amnesty would be proclaimed. Lord Durham 'may expect as soon as his appointment is known a thousand injuries at the hands of the Tory press of that country, on account of the liberal sentiments which he has always declared. And if he is not on his guard against the intrigues of the Quebec officials (of which I should, however, in justice, except Mr. Daly, the provincial secretary) I venture to say, judging by the past, that his administration will run the greatest risks, exposed to the atmosphere of that *entourage*, of which almost all of our governors have sooner or later become the victims'.[3] As we shall see, Durham followed this advice, and when he arrived in Canada got rid of all the old official group with the exception of Daly. In his letter of the 17th Lafontaine

[1] *D.P.* 6, i. 413–36.

[2] There is one possible exception to this. Several letters to Durham signed 'Veritas' stated part of the French case in rather high-flown language and warned him against the Canada merchants.

[3] *D.P.* 6, i. 326.

declared that the French-Canadians must be treated as equals and that there must be no favouritism. Lord Durham would succeed if he appointed an entirely new Council and dominated it, but if he retained the old material he would accomplish nothing.[1] Again Durham followed Lafontaine's advice.

Ellice himself might be expected to attempt in a tactful manner to influence Durham in the interests of the Canadian merchants. He saw a good bit of Durham during these months,[2] consequently his statement to Lafontaine that 'I do not know his opinions and write without conversation or communication with him'[3] is an astonishing one. Ellice, however, gave Durham a copy of the letter in which it was made.

Lord Durham distrusted the statements of the British merchants, and was anxious to get the other side of the story. Noticing that Roebuck held aloof from him, he instructed some one to tell Roebuck that he believed Lord Durham would be pleased to have him call on him. Roebuck was strongly prejudiced against Durham. He was the only one of the Radical leaders who had not responded enthusiastically to his appointment, and at this time he was hand in glove with Brougham. He replied to this hint: 'If Lord Durham desires to see me and receive what information I can give, the plain proper mode is to request me to wait on him.' Lord Durham then made the direct request. Our knowledge of what occurred at the interview is dependent entirely on Roebuck's account of it:

> 'Lord Durham assumed that I, together with all the rest of the world, must be exceedingly interested in his career as Governor-General of Canada. . . . He proposed to me, without circumlocution, that I should forthwith leave England, transport myself through the United States, and take up a position somewhere near the frontiers of Canada, but not within them, and put myself into a secret correspondence with him. To this extravagant proposal, dictated by an over-weening self-estimation, I gave a peremptory refusal.'

Roebuck offered, however, to give any information at his

[1] *D.P.* 6, i. 454. [2] *D.P.*, Lord Durham's engagement book.
[3] Lambton MSS. (copy), Ellice to Lafontaine, Mar. 21.

disposal, and at Durham's request, promised to put it in writing.[1]

The result was Roebuck's plan for the government of Canada, on which Lord Durham's first proposals in Canada were very closely modelled. It was a plan for a federal union of British North America. In each provincial government there was to be a Governor, an Executive Council of not more than five, and an Assembly. The salaries of the Governor and Executive Councillors were to be fixed by the legislature for a period of six years. There was to be no Legislative Council, but the Executive Council should have the power of amending but not rejecting bills sent up from the Assembly. The Assembly was to be elected by ballot for a term of three years and have control of all provincial revenues. In the federal government, the Governor and Executive Council should have the same powers as in the provincial governments. The members of the federal Assembly were to be elected by the provincial Assemblies, each province to have five members and one additional member for every 50,000 population. The following was to be the principle of the division of powers: 'The general government has no powers not expressly conferred on it; the local governments have all powers not expressly taken away.' Provision was to be made for a supreme court to adjudicate on constitutional questions arising out of the federal relationships and for the impeachment of judges and other officials. 'Montreal, by common consent, seems to be the spot which ought to be selected for a general government.' The plan also contains reminders that there is a great need of municipal government and that 'the whole judiciary of Lower Canada needs complete revision'. While this was intended as a plan for a federation of all the provinces, that might not be possible, and Durham was advised to 'form a plan for the federal union of Upper and Lower Canada—make this *imperative*, and allow the other provinces to join if they think fit'.[2]

According to Roebuck, Durham told him that he approved

[1] Roebuck, *The Colonies of England*, pp. 190–2.

[2] Ibid., pp. 193–217. There is a copy among the Durham Papers in the Canadian Archives, *D.P.* 6, iii. 578 seq.

of the scheme and that he would propose it for adoption. He did so in a modified form, but, as we shall see, was forced by circumstances to abandon it. The idea of a federation of all the provinces came to Durham from many quarters, and was approved by Ellice and Howick.[1] The Canada merchants provided him very industriously with arguments against it, including a memorandum entitled 'Heads of objections to a Federative Union', drawn up by Andrew Stuart.[2] This federation idea appealed strongly to Durham with his remarkable receptivity for sweeping conceptions and his determination to translate the ideal into the practical if there was any possible way to do so. This attitude, which developed with the passing weeks and was strengthened by his observations in Canada, is thus described by Charles Buller, his Chief Secretary:

> 'The plan appeared [to Lord Durham] to offer a chance of putting an end to existing discussions, of overwhelming the enemies of British connexion in the Canadas by the unanimous loyalty of the Lower Provinces, of extinguishing the pretensions of French nationality, and at the same time of leaving each different community in possession of its own laws and of the power of managing its own local affairs. The plan had in Lord Durham's eyes the still greater merit of combining these large and richly endowed Provinces for common purposes of improvement, of forming out of these divided and feeble elements a single community with vigour as well as singleness of action, and of thus raising upon the northern frontier of the United States a rival union of British Colonies, which might ere long, by the development of its vast internal resources, form a counter-balancing power on the American Continent.'[3]

According to Buller, Durham went out to Canada with very few prejudices. But he indicates that while he himself, owing, no doubt, to his close Radical affiliations, was very favourable to and sympathetic with the French-Canadians, he felt that Lord Durham 'had too strong a feeling against them on account of their recent insurrection'. Buller

[1] Charles Buller's *Sketch of Lord Durham's Mission* (1840) in the possession of Dr. Doughty, printed in Lucas, iii. 336 seq., and in *Report of Canadian Archives*, 1923, pp. 341 seq. In later references to this document the pagination will be given as in Canadian Archives Report.

[2] *D.P.* 1, i. 564.

[3] Buller, *Sketch*, p. 358.

believed that the rebellion was due to 'the deplorable imbecility of our colonial policy', but 'Lord Durham from the first took a far sounder view of the matter: he saw what narrow and mischievous spirit worked at the bottom of all the acts of the French-Canadians; and while he was prepared to do the individuals full justice, and justice with mercy, he had made up his mind that no quarter should be shown to the absurd pretensions of race, and that he must throw himself on the support of the British feelings, and aim at making Canada thoroughly British'.[1] In this, as in much that he later wrote in his Report, we can discern the fact that Lord Durham was influenced, quite naturally, by the view so commonly held at this time among the upper class in England that the French-Canadians were a disloyal and lamentably inferior people who could never fit in to the providential scheme of things until in some mysterious manner they were made into Englishmen. As we have seen, however, he went out with every intention of being fair to them, of showing no favour to the English, and of developing a scheme of government with which they would be satisfied.

Among the many representations made to Durham, there is not the slightest trace of Responsible Government or of an extensive measure of Self Government. Furthermore, most of these suggestions—including that of Roebuck—were quite incompatible with the epoch-making recommendations on these subjects which he made in his Report. Nor is there any reflection of them in his own letters and speeches or in Buller's account of these days. There is not the slightest evidence that he went to Canada with these ideas in his mind.

The date of Durham's departure for Canada was delayed unnecessarily. Even if it were considered inadvisable for him to go via New York, the St. Lawrence navigation was open for some time before his arrival. The delay was unfortunate and, in any case, Durham, who could have hastened his departure, must bear most of the responsibility. He may have been influenced by the desire to secure as much information as possible before he launched

[1] Ibid., p. 343.

out on his difficult task, by considerations of health and of his exaggerated conception of the Canadian climate, or by his desire to have time to develop adequately his magnificent and almost regal establishment. In his sketch of the mission, Buller wrote: 'I think that Lord Durham's first object should have been that of commencing his work with promptitude. The delay took off the bloom of the Mission; the insurrection was to all appearance wholly suppressed before we started; the danger began to be thought less urgent; and the general impression of the necessity for great powers and unusual measures was gradually weakened.'[1]

The Tories showed a real concern over Canada so long as British rule in that country was imperilled by rebellion, which was a hard-fisted fact that they could understand. In those circumstances their true blue loyalty asserted itself; Canada, for the moment, was of some importance, and they refused to impede the Government in its patriotic mission of repression. But as soon as news from Canada assured them that the rebellion was a thing of the past, that this 'jewel' was still safely set in the British 'crown', they were free to play politics again. The Government was once more imperilled by a Tory-Radical alliance which could operate most successfully on the basis of the Canadian question. And the Tories had the further motive of crippling the man whose power in England they most feared. To force Lord Durham to resign would be a great victory for them from every point of view. Sensitiveness and temper were his vulnerable points, and insult was a most effective weapon.

After some rumbling of the guns, the campaign began in force on April 2, when Lord Chandos moved a resolution in the House of Commons declaring that the establishment of the Governor-General should be provided and conducted with every degree of economy consistent with the due remuneration of the persons whose employment was necessary, and proposing that the expenditure of Lord Gosford should be considered a precedent. Every member of the House who understood anything of the situation must have known that the motion was, in view of Lord Durham's

[1] Buller, *Sketch*, p. 342.

extraordinary duties and the suspension of the constitution—not to consider the bare rooms in which Gosford had lived at Quebec—as absurd as it was insulting. Yet the Tories fought for it as ardently as though Bonaparte had come back to life and was pounding at the gates of London. Much of the talk about the number of Lord Durham's grooms and servants, the horses, the family plate, and the expensive furniture he was taking to Canada was irrelevant to the resolution because they were paid for out of Lord Durham's private purse, as was also the salary of his secretary, but they were the better calculated for that reason to rouse the disgust of the proud and angry earl, who had refused to accept any salary for himself. And then there was the scandal of his aides-de-camp! He was taking out eight of them, four paid and four unpaid (that is, paid by Lord Durham himself). Lord Chandos said that he had never on any occasion heard of a man who required so many aides-de-camp. The Duke of Wellington when in command of the allied armies had had at times only four and never more than six. Lord John Russell replied that they were needed to carry confidential communications between the Governor-General and the Lieutenant-Governors, but he added that the number was rather to be considered in reference to the dignity and rank of the person to whom they were attached than to the active services they rendered. Sir Robert Peel shrewdly insinuated that the Government was allowing Lord Durham to fix the amount of expenditure. The resolution was defeated by a majority of two. It was a small division to which the Opposition 'brought their halt and their blind' in a house that was far from full, but it was a warning to the Government of the delicate position in which it stood.

The Tory newspapers continued to ring the changes on the elaborate character of the establishment. The *Morning Chronicle*, on the other side, suggested that an effective headline would be 'The Butter-Boat Question'.

> '*The Times* is evidently coming to close quarters with the Lord High Commissioner, and in a day or two we shall have his stock of shirts and stockings or peradventure a night-cap question on the tapis. . . . The legal adviser and the aides-de-camp and

lieutenants too many to any degree, and plates, dishes and butter-boats, and pots and pans might sail away and welcome, provided only Lord Durham would stay behind in disgust.'[1]

Lord Durham had stipulated that he should have a free hand in regard to appointments. And he proceeded to secure the most capable men. Scores of letters reached him during these weeks from influential people and intimate friends who had relatives with an eye on Durham's liberal salaries. To all of these he replied with uniform politeness and firmness that he was very sorry that he could do nothing for them. Durham had insight as well as courage in this respect, and for the first time in her history Canada was served by Great Britain with the best brains available.

Charles Buller was appointed Chief Secretary. He was one of the best known and most popular of the Radical members of Parliament. As the outstanding wit of the House of Commons, he was always sure of a good hearing, but it was felt by many who knew him best that his reputation in this respect overshadowed the credit that was due to him for the possession of more substantial qualities. He had an acute, resourceful mind. He was somewhat lacking in aggressiveness. He had the qualities of a good follower rather than a leader. He lent his fine mind readily to others, and his thought was more brilliant than it was tenacious. Behind an indolent, easy-going manner, he gave evidence of remarkable capacity for industry and application. His name was frequently associated with that of Macaulay as a shining light of the younger generation.

He was the son of an official in the East India Company, and entered Parliament in 1830. His family was closely associated with a number of rotten boroughs, and at the time of the Reform Bill his liberal tendencies placed him in a position very similar to that of the hero of Mr. Stanley Weyman's well-known novel of that period. He not only displayed the courage of his convictions; he associated himself with the most pronounced Radicals, became a member of the Executive of the National Political Union, and presided at some of the most important meetings of that body. It seems probable that some of his ardent admiration

[1] *Morning Chronicle*, Apr. 4, 1838.

for Lord Durham was associated with the latter's leadership of the Reform movement both during and after the Reform Bill struggle.

In the spring of 1838 he was thirty-one years of age. He was even-tempered, amiable, friendly, kind-hearted with a strain of tenderness, but manly and straightforward in his own quiet playful way. There were hours when he was serious enough and sober to the point of tension, but those were the hours he hid from the world. He appeared to many who knew him well as one who found life a continuous entertainment. 'Charles Buller was there,' wrote Hobhouse in his diary. 'A little girl, Stanley's daughter, not seven years old, said to him, "You are always joking. I do not ever know whether what you say is true". This is quite the character of the man. The child is right.'[1] A contemporary journalistic sketch gives us the following account of his parliamentary manner:

> 'His style of speaking is rather the conversational than that elevated manner which has become associated with our ideas of oratory. He stands at the table of the House, and addresses the ministerial benches as if the occupiers were his very dear and familiar friends, to whom he was telling some very good story, in which they themselves figure as the principal personages. . . . There he stands, turning their fallacies inside out, and piercing a solemn pomposity with a keen, sharp rally, which not only throws the Opposition into a united and corporate fit of laughter, but not seldom makes the victims of his playful satire join in the laugh against themselves. It is delightful to see him transfixing a fallacy with the point of an epigram or putting his opponent into a parenthesis.'[2]

When, ten years after his appointment by Lord Durham, Charles Buller was cut off in his prime, and Macaulay said: 'I could almost weep for him', Carlyle wrote for the *Examiner* the following epitaph on his former pupil:

> 'A very beautiful soul has been suddenly summoned from among us; one of the clearest intellects and most aerial activities in England has been unexpectedly called away. . . . His luminous sincere intellect laid bare to him in all its abject incoherency the thing that was untrue; which thenceforth

[1] *Recollections*, v. 82. [2] *Illustrated London News*, Dec. 25, 1843.

became for him a thing that was untenable, that it was perilous and scandalous to attempt maintaining. . . . The essence of his mind was clearness, healthy purity, incompatibility with fraud in any of its forms. What he accomplished therefore, great or little, was all to be *added* to the sum of good; none of it to be deducted. . . . To hear him, the most serious of men might think within himself, "How beautiful is human gaiety too". . . . His wit, moreover, was ever the ally of wisdom, not of folly, or unkindness, or injustice; no soul was ever hurt by it. . . . This man was true to his friends, true to his convictions, and true without effort, as the magnet to the north. Weak health marked out his limits. . . . He was not the man to grapple, in its dark and deadly dens, with the Lernaean coil of social hydras, perhaps not under any circumstances, but he did what he could; faithfully himself did something, nay something truly considerable. And in his *patience* with the more that by him and his strength could not be done, let us grant that there was something of the beautiful too! . . . He has fallen at this point of the march, an honourable soldier, and has left us here to fight along without him. Whatever in him was true and valiant endures for evermore—beyond all memory or record.'[1]

Next to Charles Buller, the most important man associated with Lord Durham's mission to Canada was Edward Gibbon Wakefield. Regarded in that day as something of a faddist and shunned on account of the scandals associated with his private life, Wakefield is recognized to-day as the most capable expert on the economic side of colonial problems in the England of that period. With his unerring judgement of men, Durham recognized that fact and determined to take Wakefield to Canada, no matter what any one might say about it.

Wakefield came of a family intensely interested in social problems. Elizabeth Fry was his cousin. His father had been a writer on economic and social subjects as well as a farmer and a land-agent, a friend of Francis Place, and a student of popular education, social statistics, and lunatic asylums. Gibbon Wakefield manifested throughout his life a generous interest in promoting the welfare of humanity, especially among the more destitute classes, for which he

[1] *Examiner*, Dec. 2, 1848.

blithely sacrificed both time and money. This trait was strangely blended in his character with a predilection for methods that were devious, a desire to over-reach no matter what degree of trickery was resorted to, and a cool and sometimes heartless disdain for the moral code. He was a better man than he was generally believed to be, but his contemporaries cannot be blamed for feeling that they could not tell which element would assume the ascendancy in any particular situation. Lord Durham was freed from such fears because he knew that he could count on Wakefield's personal devotion to him.

Early in life, Wakefield had eloped with a ward in Chancery. 'Two carriages simultaneously left Tunbridge Wells, driving in opposite directions, one containing Edward Gibbon Wakefield and Eliza Pattle, the other two persons dressed to represent them. The uncles followed the wrong one.'[1] The bride brought Wakefield a substantial fortune, most of which he managed to lose after her death a few years later. In 1826 the readers of the English press were regaled for months with the Turner case. Gibbon Wakefield (with the aid of his brother) concocted a story which induced a young girl in a boarding school, daughter of a wealthy manufacturer, to leave the school with him although he was a total stranger to her, and later to contract a nominal marriage with him, having been informed that it was suggested by her father's solicitor as the only means of saving her father from financial ruin. The conspirators, however, failed to realize their profits. Gibbon Wakefield was arrested in France, brought back to England for trial, and sentenced to three years imprisonment in Newgate. The marriage was dissolved by a special Act of Parliament.

When his prison term was over, Wakefield found himself a social outcast, but he pursued through various anonymous and indirect paths his self-appointed task of organizing systematic emigration for an overcrowded England and economically regenerating the colonial empire. His theoretic bases were laid down in his first book, written in prison, and entitled, *A Letter from Sydney*. The public accepted it as a genuine message from a country which Wakefield had

[1] Garnett, *Life of Wakefield*, p. 20.

never seen and as emanating from a colonist advising a prospective settler; Wakefield's name did not appear. The fundamental Wakefield ideas were—that cheap land was the bane of the colonies, large tracts were appropriated, and the labour supply was inadequate; public lands should be sold at fixed and reasonable prices, and the Government should use a large proportion of the money so obtained in providing for systematic emigration to the colonies; if there were no cheap land available the immigrant labourer would have to work on the land of others until by his thrift he was able to pay the reasonable price for land of his own; land, capital, and labour would thus be yoked together to produce a prosperous community.

In 1830 Wakefield organized a Colonization Society with the object of developing systematic emigration. Torrens, Grote, and other Radicals were prominent members, and Wakefield's own name was kept very much in the background. At the instance of the Society—Wakefield directing operations from behind the scenes—the Government in 1831, owing largely to the enlightenment and open-mindedness of Lord Howick, at that time Under-Secretary for the Colonies, applied several of Wakefield's principles to the granting of land in New South Wales. In 1833 Wakefield organized the 'South Australia Association', of which Buller was one of the directors. 'At that time', as Wakefield said, 'the country now known as South Australia was a nameless desert about which nothing was known by the public or the Government.'[1] Wakefield and Buller traced its boundaries with a pencil on a map. South Australia was then constituted by Act of Parliament, Wakefield's principles of sale and emigration were applied and the introduction of convicts forbidden. Wakefield himself was pushed aside on account of his prison record; dissatisfied with the price fixed for land sales, he withdrew from the project. He then turned his attention to New Zealand, and in May 1837 organized the New Zealand Association to promote emigration to that country. Buller and Molesworth were among the directors, Wakefield's name was again left in the background, and when a few weeks later Lord Durham returned from

[1] Garnett, *Life of Wakefield*; p. 92.

Russia, his earlier interest in New Zealand was appealed to and he was induced to become Chairman of the Association. Wakefield was probably influenced by the fact that all of his friends belonged to the political group who desired to see Lord Durham Prime Minister. When that day came, New Zealand would get its chance.[1] It was probably on account of New Zealand business that Wakefield's sailing for Canada was delayed, and he went out a few weeks later than Lord Durham. Durham intended to give full recognition to this social outcast who had done so much for the British Empire and who might do much more in the future. When he arrived in Canada, Wakefield was to be appointed Commissioner of Crown Lands and Emigration, but he did not propose to inform the Government of that fact until the appointment was made.

Lord Durham selected for his Military Secretary, Colonel Couper, who, in addition to other splendid qualifications, had the advantage of having served in Canada under Sir James Kempt, one of the most popular of Canadian Governors. The need of municipal government in Canada was realized by Durham to some extent before he left England, and he determined to institute an investigation and secure a thorough-going report of the situation. For this purpose he selected William Kennedy, the editor of the *Hull Advertiser* and owner of several other newspapers, with whom he had been associated in the election of 1834, and who had done signal service in connexion with municipal reform in England. In the latter connexion Joseph Parkes had described him as 'a very shrewd and clever fellow'. He was apparently conversant with the municipal institutions of the United States as well as those of Great Britain.[2] Although Kennedy's name has been hitherto unknown to Canadian historians, he made a signal contribution to our history. The report which he prepared in collaboration with Adam Thom was the basis for Poulett Thomson's municipal establishments in Upper and Lower Canada.

In two of his selections, Turton and Ellice, Lord Durham

[1] Ibid., pp. 132–44.

[2] Lambton MSS., Kennedy to Durham, May 31, 1834, July 10, Aug. 8, 20, 1838, and three undated letters; Parkes to Durham, Jan. 5, 1836.

was influenced by friendship and sentiment, although in these cases also the men possessed qualifications of a superior character. Edward Ellice, Jr., son of 'Bear' Ellice, was appointed private secretary. He was a young man of ability, a member of Parliament, and well acquainted with Canada. During the week in which Durham was thinking over the Canada proposal, 'Bear' Ellice, in a glow of paternal pride, had written him as follows: 'If you do go to Canada, don't say anything about a secretary, till you see whether or not we could persuade Edward to go with you. He would be a great comfort to Lady Durham' (who, in her letters to her mother from Canada, betrayed a decided dislike for him). 'And he has more intelligence and knowledge of the world than any person you could pick up.'[1]

We now come to an appointment which was most unfortunate in its results, although it affords another illustration of Durham's generosity and courage. The Turton appointment requires careful consideration because it caused the first serious break between Durham and the Melbourne Government and did a great deal to pave the way for the final one. When the Dictator's estimates were discovered to include provision for a 'legal adviser', members of Parliament professed to be unable to understand why that should be necessary when there was a Solicitor-General and Attorney-General in Lower Canada. But Durham had determined to have as little as possible to do with the old officials. Several of the most important of the grievances which the British merchants had reported to him were closely connected with questions of law, not to mention the fact that they were clamouring for a complete change in the legal system of the province. Roebuck, the late agent of the French-Canadians, had urged upon him the fact that 'the whole judiciary of Lower Canada needs complete revision'. Durham would not have such work done by any one who had been involved in the political disputes of the province. He wanted a first-class English lawyer. His selection was Thomas Turton, who had already served him in a legal capacity, notably in the drafting of his Reform Bill of 1821. He had known him all his life and he had complete confidence in him.

[1] Lambton MSS.

But Turton, like Wakefield, had a 'past'. The really ugly details of the Turton case were also matters of common knowledge. Mrs. Turton had successfully sued her husband for divorce, naming her sister as co-respondent. It had created almost as great a sensation as the Turner case. Turton had been Durham's friend since the days when they were school-mates, and, as Charles Buller said, Durham, like Canning, never abandoned a friend. He showed the greatest kindness to Turton at the time of his personal trouble, and later he made every effort to give him that 'second chance' to which he believed he was entitled. Certainly if any man ever expiated his sins by sincere repentance, every possible effort at restitution, remorse, and a better life, Turton did.[1] He had lived a most exemplary life in India for fifteen years, but although he had been elected a churchwarden of the Cathedral Church of Calcutta, he was apparently not received in the best society. Lord Durham tried to get him into Parliament, but Kennedy persuaded him that it would be impossible.[2] Now Durham felt that he had matters in his own hands and he was determined to give Turton his chance.

Turton and Buller both stated later that Durham was encouraged in this step by two members of the Government, that E. J. Stanley made the original suggestion to Durham, and that when Turton hesitated about accepting, Hobhouse promised that he would be appointed to the first Indian judgeship that fell vacant after his return to India.[3] Lord Durham, however, made the selection and secured Turton's consent without consulting either the Prime Minister or the Colonial Secretary. The Government had promised Durham a free hand in the matter of appointments, but it had not

[1] This is evidenced by a number of letters about Turton written by others as well as his own letters to Lord Durham. *D.P.* 6, i. 3, 5, 96, ii. 590, iii. 20, 31; Lambton MSS., Kennedy to Durham, n.d., July 10, 1838; Lady Durham to Lady Grey, June 27, 1838.

[2] Lambton MSS., Kennedy to Durham, n.d.

[3] *D.P.* 6, iii. 31, Turton to Hobhouse, Jan. 1, 1839; Buller's *Sketch*, p. 342. This is confirmed, so far as Hobhouse is concerned, on the authority of Ellice, by Melbourne to Durham (Lambton MSS.), Apr. 10, 1838. Hobhouse was not quite candid about this matter in his *Recollections* (v. 172, 173), where he shifted the issue to what he advised *after* Lord Melbourne objected, but his daughter, Lady Dorchester, in a foot-note, gave the facts precisely as they are stated above.

anticipated that he would make appointments which were calculated to be detrimental to its interests without consultation. When Melbourne heard of what was going on, he wrote to Durham, April 9: 'Turton's was not a common case. It will injure both you and the Government. . . . If you have gone to this extent with him, I do not see what can be done, but I am afraid of the effects.' But he changed his mind and began to press for a reversal. 'If the appointment is to be got rid of, the sooner and more quietly it is done the better. . . . Your mission and consequently the public service will suffer from such an appointment.'[1] In the face of this strong feeling on Melbourne's part, Durham assumed a singularly high-handed attitude.

On the 12th, Ellice wrote to Durham: 'I had a very satisfactory conversation with Ld. Melbourne last night, after you were gone, and have no doubt this affair will be arranged as you desire, when you return[2] or before you sail. He felt the manner in which you had given way as far as it was possible for you to concede to their wishes and admitted the [illegible] distinction that could be made between his going with you in one capacity or the other.'[3] Before Lord Durham sailed, he and Lord Melbourne arrived at a distinct understanding that while Turton was not to receive any appointment from the British Government, Durham was to be free not only to use him in any unofficial capacity, but also to appoint him to office in Canada on his own responsibility if he should consider it desirable to do so.[4]

Durham's statement of the matter was never contradicted by the Melbourne Government or any member of it, and it is confirmed by Ellice, who was extremely frank in his letters to Durham, particularly when an opening was afforded for adverse criticism. Ellice regretted the whole Turton affair,

[1] Lambton MSS., April 9, 10, 1838.

[2] From the North.

[3] Lambton MSS.

[4] Buller's *Sketch* (1840), pp. 342–3. Lambton MSS., Lady Durham to Lady Grey, July 30, 1838: 'I always understood and Mr. Ellice admits as much that although Lambton yielded as to his appointment by the Govt. at home, he considered himself at liberty to do what he pleased on his *own* responsibility when he arrived here.' For a similar statement by Durham see Q. 246, pt. 2: 312–14 (also in *D.P.* 2, i. 200), Durham, to Glenelg, No. 30, July 30, 1838.

but he said on this point, in a letter which pre-dated any of Durham's statements:

> 'My construction of your intention was,—that you would act on your own responsibility on your arrival, in making such appointments as the circumstances of the colony, at the time of making them, should justify, and that if you saw no objection to appointing Turton, that you would act in his case on the same principle as on all others.'[1]

Lord Durham's original intention had been that Turton should receive a large salary, but after the trouble arose over his appointment, Turton refused to accept Durham's offer to pay the salary himself and insisted on receiving no remuneration whatever. And so it came about that the services of three of the four men who made the largest contribution to the Durham mission, whose ultimate success constituted it the most important by far in the history of our Empire, did not cost the British Government one shilling. Durham, Wakefield, and Turton received nothing, and Durham paid the salary of his own secretary and some ten thousand pounds beside in one way or another. One was a wealthy man and the others were in comfortable circumstances, but the spirit of these men, who, under the inspiring genius of their leader, laboured to save Canada and lay the foundation of a new type of Empire, may well serve as a constant inspiration in the face of the call which patriotism makes in the days of peace.

By the middle of April everything was ready, but 'Mr. Ralph', that bluff and genial uncle who had been his guardian and lifelong friend, lay seriously ill in the North; Durham postponed the sailing, took the long journey to Lambton, arrived at eleven o'clock one night and left at four the next day, went to Windsor for a last audience with the Queen, and sailed from Portsmouth on the 24th.

The affectionate pen of Charles Buller described the scene.

> 'I had got on board about an hour before Lord Durham came. . . . I had just got over my difficulties, when the steamer bringing Lord Durham and his family came alongside. All the parade of naval reception was of course exhibited on the

[1] Lambton MSS., Ellice to Durham, July 4, 1838. This is supported by the language of Melbourne and Glenelg to Durham quoted pp. 383–4 *infra*.

occasion; the marines were drawn up, and the officers, with the captain at their head, were on the deck, when Lord Durham, who had been very ill the night before, came looking very pale, and wrapped in a large cloak, with Lady Durham and his children around him. Painful thoughts arose within me at the sight of a man so distinguished leaving his country with his whole family for what, though an honourable, was still a painful exile, and a duty of arduous responsibility; and when on a sudden the band struck up its loud and slow strain, the sudden excitement brought the tears at once into my eyes.'[1]

NOTE. In this chapter reference has been made to the Colonization Society of 1830. In books on the British Empire much has been written—one book repeating another—about the 'theorists of 1830' and the 'colonial reformers of 1830'. It has been implied that there was an economic side to their theories and a political side, the latter including varying degrees of self-government. But the 'political side' cannot be discovered in the sources. Who were these men 'of 1830'? It has been frequently stated that they were a group gathered around Lord Durham. One book tells us that the 'theorists of 1830' were Durham, Wakefield, Buller, and Molesworth. But Buller and Molesworth were not members of the Society of 1830 (they joined some years later) and Durham took no interest in colonial questions until 1837. The theories of the Society of 1830 were the economic theories of Wakefield outlined above; it developed no political theory. There is no evidence of the conception of Responsible Government for the colonies in the period before Lord Durham's Report, although Wakefield and Buller advocated *representative* government for the Australian colonies during that period. For the rest, the *reading back* into this earlier time of the later views of Wakefield, Buller, and Molesworth has been very misleading. One book, in a chapter on 'the colonizers of 1830', gives an outline of the political theories presented by Wakefield in his *View of the Art of Colonization*, which was written in 1849. That may be regarded as an accidental juxtaposition of material, but such treatments have misled less scholarly writers. See p. 318 *ante* on Molesworth and pp. 574–5 *infra* on Wakefield.

[1] Buller's *Sketch*, p. 343.

XVIII

A GOOD BEGINNING

GALES and head-winds, now and then a day or two of calm, then more stormy weather and head-winds! The elements might have been reflecting the life-experience of the man of destiny whom the 'Hastings' was taking to Canada. And Durham was 'wearied with it, being impatient to arrive'. But 'he was tolerably well' and looked 'a great deal better than he had done for some time'. He had only one of his bad attacks in his head. He and Buller worked hard, studying documents, discussing the problems of the mission; now and then their talk slipped back to the battles of other days and the Reform Bill period and *its* problems. To break the monotony Buller and Turton organized private theatricals and a mock trial. At last they saw the rocks of Anticosti and the bleak coast of the Gulf, then more weary days, then the grandeur and beauty of the St. Lawrence, and on the 27th of May they dropped anchor off Quebec, 'amid a whole fleet of men-of-war under the very guns of the magnificent fortress'.[1]

They did not land until the 29th. In the meantime Durham received visitors and studied the newspapers. The first batch of newspapers which had come on board a few days before informed him of the unfavourable attitude of the British merchants, in regard to which he had been warned before leaving England. The more violent among them were loud in their criticisms of both the British and Canadian Governments, and at a recent meeting in Montreal several of the speakers had stated that they had little to hope for from a man of Lord Durham's radical views. Lord Durham must have noted the contrast between this and the attitude of the leading French-Canadian paper. *Le Canadien* called attention—as it had been doing for some time—to the liberal character of Lord Durham and his secretaries. It pointed out that the great leader of the Reform movement in Great Britain had brought with him to Canada men who had been active in the same cause and the lawyer who had drafted his Reform Bill of 1821.

[1] Lady Durham's Journal, 8–12; Buller's *Sketch*, pp. 343–4; Lady Durham to Lady Grey, May 10, 22.

'We may be sure that if the Home Government had been ill-disposed toward us, it would not have sent us the most liberal men to set our affairs in order. . . . It is here that the ill-will is, here the abuses, here the projects of oppression; in the Mother Country there is only ignorance and perhaps a little prejudice. Very well, let us enlighten this ignorance and dispel these prejudices; here is our opportunity.'[1]

Durham made an imposing and business-like beginning. The display so essential to him was everywhere in evidence. Never had a Governor arrived in such magnificence and with such a retinue. The amount of baggage—which it took two days to land—bewildered the inhabitants. Clad in a gorgeous uniform with silver embroidery, wearing the collar of the Bath, and mounted on a fine white horse, Lord Durham rode through the cheering crowds to the Castle of St. Louis. There he showed his mettle. After taking the oath of office, he refused to do what every other Governor had done; he would not continue the appointments of the old Executive Councillors. He then ordered that without delay the names of all political prisoners should be laid before him with the depositions on which they had been committed and all available information on every case, and that similar returns should be made in regard to those against whom warrants had been sworn but who had succeeded in fleeing from justice. On the same day he issued an impressive proclamation, of which the following were the most significant passages:

'The honest and conscientious advocates of reform and of the amelioration of defective institutions will receive from me, without distinction of party, race, or politics, that assistance and encouragement which their patriotism has a right to command from all who desire to strengthen and consolidate the connexion between the parent State and these important colonies; but the disturbers of the public peace, the violators of the law, the enemies of the Crown and of the British Empire will find in me an uncompromising opponent, determined to put in force against them all the powers, civil and military, with which I have been invested. . . . I invite from you the most free, unreserved communications. I beg you to consider me as a friend and arbitrator—ready at all times to listen to

[1] *Le Canadien*, May 23, 1838.

your wishes, complaints, and grievances, and fully determined to act with the strictest impartiality. If you, on your side, will abjure all party and sectarian animosities, and unite with me in the blessed work of peace and harmony, I feel sure that I can lay the foundation of such a system of government as will protect the rights and interests of all classes, allay all dissensions, and permanently establish, under Divine Providence, the wealth, greatness, and prosperity, of which such inexhaustible elements are to be found in these fertile countries.

In place of the old Executive Councillors, to whom he wrote a very tactful letter,[1] he appointed Buller, Turton, Colonel Couper, and Routh, the Commissioner-General, from his own staff, and Daly—whose retention Lafontaine had advised. (Turton had already been appointed one of his secretaries on the very day Lord Durham landed.) These acts were greeted with acclamation by both parties. *Le Canadien* and *Le Populaire* were most enthusiastic. The former, in dilating on the high hopes these actions created, made a happy quotation from Lord Durham's reform speech of 1821. It also noted the fact that the political prisoners had been granted permission to walk about in the prison courtyard. 'It seems that the atmosphere has changed since the arrival of Lord Durham, and that a refreshing breeze has reached even the most unfortunate.'[2] The majority of the English population were as pleased with the proclamation as the French, and they had no regrets for the old Council. They had supported the official clique only for the sake of protection against what they had considered the tyranny of the Assembly, and they were not sorry now to see it broken. The Montreal *Transcript* said: 'The days of reform have indeed dawned upon this colony, and we rejoice in its brightened prospects. . . . We duly appreciate the motive as well as the policy which has actuated the Earl of Durham in dismissing the previously existing councils. Every part of the old constitutional fabric was rotten.'[3] And yet Lord Durham was to find that these actions which met with such

[1] According to Buller this letter was carefully prepared by Durham and handed over to Buller for the latter's signature (*Sketch*, p. 345). The letter is in Q. 246: 62–4 and is printed in the contemporary newspapers and in Kingsford, x. 125.

[2] *Le Canadien*, June 1, 1838.

[3] *Montreal Transcript*, June 2, 5, 1838.

hearty approval in Canada were criticized in England as being 'high-handed', tyrannical, and anything else that English party politics could readily invent and the common English ignorance in regard to Canada could more readily believe.

His next act displayed the same vigour and astuteness, and met with a similar approval. A few hours after he landed in Quebec, early in the morning of May 30, a Canadian steamer, called the *Sir Robert Peel*, was attacked at Wells Island on the American side of the St. Lawrence, where it had stopped to take on wood, by a group of pirates under the leadership of the notorious Bill Johnson—mostly Americans, but co-operating with the Canadian rebels then in the United States. The passengers were forced to leave the boat, a considerable sum of money was seized and the steamer was burned. It was felt in Canada that this was no isolated outrage. For months the safety of Canadian citizens had been threatened by the conspiracies of Canadian rebel-refugees in the United States and their American sympathizers. These men had secured arms, held meetings, announced their intention of invading Canada, all with the greatest openness. Scarcely any preventive measures were taken, and while the more educated classes in the United States were not sympathetic, in many places 'influential citizens' as well as a considerable proportion of the lower orders had countenanced these proceedings. Immediately the news reached Quebec Lord Durham issued a proclamation offering a reward of £1,000 for information that would lead to the conviction in the United States courts of the perpetrators of this outrage, and assuring the people of Canada that adequate measures would be taken for the defence of the frontier.[1]

He decided at the same time to send a special mission to Washington to remonstrate with the United States Government. For this he selected Lady Durham's brother, Colonel Charles Grey, who had come to Canada as an officer of the 71st. The selection was a happy one. He was the most tactful member of the Grey family. And Lord Grey's son would be sure of a good reception in Washington.

[1] *D.P.* 4, i. 225, and contemporary newspapers; ibid. 2, i. 28–34; 4, i. 148, 162, 178, 181, 193; and Q. 246: 77 seq.

Durham gave Charles Grey the following written instructions:

'I have directed Mr. Fox to request an interview for you with the President of the United States. You will be pleased to express to him my feelings of sincere respect for him and his country: and assure him that, in the discharge of my duty as Governor-General of British North America, I shall be most anxious to cultivate relations of amity and cordiality with the Government of the United States. You will acquaint him that I feel persuaded that he will view the outrage at Wells Island with feelings of as much indignation as myself, and that I can confidently rely on the most prompt and efficacious means being taken by the American authorities to bring the perpetrators of this heinous offence to condign punishment. At the same time you will make him understand that something is required from the United States government; that the redress of this particular outrage must also be accompanied by measures for the prevention in future of similar crimes. The British frontier cannot be left exposed to these perpetual attacks and this constant irritation: and I have a right to call on the American government to fulfil the most sacred of all duties, the due observance of the faith of treaties and the strictest maintenance of the rights of friendly powers. I earnestly hope that the executive power on the American side will be effectively and promptly employed. In justice to those of His Majesty's subjects, the insecurity of whose lives and properties, in consequence of these repeated attacks proceeding from the United States, is daily and hourly represented to me, I make this communication. In all circumstances, and at all hazards, I must afford them protection, and it will give me the sincerest pleasure to find that my task is rendered easier by the co-operation of the American government.'[1]

In his dispatch to Stephen Fox, the British Minister at Washington, Durham employed stronger language: 'I am convinced that the government of the United States will feel it due to their national honour to prevent the repetition of offences, the longer continuance of which, and of the impunity with which they have been hitherto perpetrated, is a disgrace to all civilized governments.'[2]

As a result of this mission, the United States government

[1] Q. 246: 102 seq.; *D.P.* 2, i. 46 seq., June 5, 1838.
[2] Q. 246: 101, June 5, 1838.

instituted a patrol of the frontier waters by a number of steamers carrying fifty soldiers each under the command of officers of the army or navy and a thorough search of the Thousand Islands on the American side. The Commander-in-Chief of the United States Army was ordered to the frontier to take charge of operations, with instructions also to concentrate the regular forces at certain points, and to use 'every exertion to detect the unlawful combinations against the peace of a neighbouring and friendly power'. The Secretary-at-War's instructions to the Commander-in-Chief contained the following sentence:

> 'From the respect for the laws, hitherto so signally evinced by citizens of the United States on all occasions, it is apprehended that the border inhabitants of the northern frontiers are not generally acquainted with the enactments which may render their conduct penal; you will, therefore, on your arrival at the frontier, cause to be published and widely circulated copies of the laws of the United States.'[1]

Lord Durham on his part arranged for an immediate increase of the naval forces on the lakes and upper St. Lawrence under Captain Sandom.[2]

The British Minister at Washington reported to the British Government on June 24 that Colonel Grey's mission had been very successful. The President and his Government were 'more sincere in their desire to suppress border disturbances and more alive to the danger which exists that a continuance of the piratical conduct of the citizens may involve the two countries irrevocably in war'. He went on to advocate further military reinforcements for Canada. 'It is by a formidable and an imposing, and by what careless lookers-on will reckon perhaps a superfluous display of military force in Canada that the best chance will be obtained of . . . saving the English and American peoples from . . . a general war'.[3] Stephen Fox may have been too pessimistic in regard to the chances of war breaking out. Certainly he hardly wrote a letter in this period in which he did not refer

[1] Q. 246: 175; *D.P.* 2, i. 100, Poinsett to Macomb, June 12.

[2] Q. 246: 107 seq. See also *D.P.* 2, i. 89, printed in full in *Can. Arch. Report for* 1923, pp. 314–15.

[3] Q. 250: 148–53.

to the outbreak of war as being inevitable unless this or that measure was taken immediately.

On the day before Stephen Fox wrote this from Washington, Durham sent off a very similar dispatch to Glenelg. The maintenance of strong military and naval forces in Canada was of the first importance if good relations with the United States were to be secured.

> 'The cord must not be relaxed until the final settlement of the affairs of these provinces has taken place. . . . The sight of our efficient means of protecting the tranquillity of our colonies and the interests of His Majesty's subjects will go a great way towards removing those vague expectations of discussion and dissension amongst ourselves from which the unscrupulous and enterprising portion of the Americans anticipated increased profit to themselves and additional power to their country. I must, therefore, earnestly request your Lordship to keep up the amount of our naval and military force to the fullest possible extent during the present year.'[1]

Durham was not too confident of the ability of the American federal government, no matter how active it became, to prevent the conspiracies of the Canadian rebel-exiles in the United States. Its powers were limited, and co-operation with the state governments was difficult. But he believed that one of the most important results of Charles Grey's mission would be an impressive display of co-operation between Washington and Quebec. 'This unnatural excitement on the frontiers . . . has been kept up in a great measure by the rumours which have been circulated of the bad faith and real wishes of the United States government, and nothing can so much tend to allay it as a public, unanswerable act of combined vigour, evincing the good understanding existing between the military authorities of both nations.' Although a certain element of the American frontier population seemed to be out of hand, 'all the accounts I receive concur in reporting that ninety-nine out of a hundred of the respectable and influential citizens, whatever may be their politics, unite in condemning the conduct of the frontier population and in deprecating the idea of a war with England'.[2]

[1] Ibid. 246: 164–7.

[2] Q. 246: 164 seq., 119 seq.

It was extremely fortunate that the governor who afterwards did so much to establish better relations with the American people by his friendliness and cordiality toward them should have at the outset impressed them with his firmness and business-like character. At the same time, to the Canadian people of all classes, both in Upper and Lower Canada, Durham's actions in this as in other matters betokened the coming of a new era. None of Durham's predecessors had talked business in this manner to the American government and none had secured such results.

At the same time he was very busy with other problems—municipal government, seigniorial tenure, registry offices, police establishments, and the routine of administration. Lady Durham recorded in her journal that 'from the moment of his arrival he devoted himself unremittingly to business' and 'that he would scarcely ever find leisure for the air and exercise which were so necessary to his health.'[1] For a few days in the second week he was ill and running a high temperature, but by the 11th he was at it again as hard as ever.[2]

In the midst of this successful beginning and energetic application to his problems came the first of a series of harassing communications from the British Government. He learned that he had not been three days gone on his mission of conciliation and reconstruction before the Tories had dug up the Turton scandal. On the 27th Lord Winchilsea inquired in the House of Lords if this Mr. Turton, who was to be Lord Durham's legal adviser, was the same Mr. Turton —and so on. Lord Melbourne replied that no legal adviser had been appointed. On the 30th the noble defender of British honour came at Melbourne again with the assertion that Mr. Turton had certainly accompanied the Earl of Durham to Canada, and three definite questions—had a public situation of any sort been offered to him, had he received any promise of an appointment on his arrival in Canada, were any part of his expenses to be paid for by the public? Instead of answering these questions in a straightforward manner the Prime Minister apparently decided to

[1] Lady Durham's Journal, 14.
[2] Lambton MSS., Lady Durham to Lady Grey, June 11, 1838.

bluff and play for time, in the confidence that Durham would not take any action before word could reach him. So he coolly made the following statement:

'I say, first of all, that no situation whatever was offered by Her Majesty's Government to the gentleman to whom the noble earl has alluded; and next that he has gone out to Canada, if he has gone out at all, which I do not mean to deny, without any appointment, without any prospect of an appointment, and without any intention on the part of the Government, or on the part of my noble friend, the Earl of Durham, to appoint him to any public situation whatever.'

Then Melbourne lost no time in rushing off the following to Durham:

'My Dear Durham,

I write this in great anxiety and in hopes that it may reach you soon and in time entirely to preclude any hasty and indiscreet step. If I had not been able to say that Mr. Turton had gone out without any appointment and without any prospect of an appointment I am confident that we should have had motions made and carried in both Houses of Parliament to cancel the appointment and to remove Mr. Turton from it—as it is [illegible] by me that there is no intention either on the part of the government or on yours to appoint Mr. Turton to any public situation in the colony, you must bear me out in this and must by no means put him forward in any manner. As it is, his having gone out at all [illegible] very great sensation and you must expect personally much animadversion upon this account. Beware of scamps and rogues . . . whatever their ability may be.

'If you touch G. W. with a pair of tongs it is utter destruction, depend upon it—T. D. [Tommy Duncombe] is not so bad, but he is one of the same genus and can do nothing but harm—If you do not disembarrass yourself of all these sorts of [illegible] they will pull down your public character and reduce it to nothing even were it ten times as high as it is. . . .'[1]

This letter was clever enough from Melbourne's point of view, but there was hardly a word in the fine moral lecture at which Durham's gorge would not rise. It would have been bad enough in any case, but following fast on the heels of what Durham regarded as a weak and treacherous

[1] Lambton MSS., May 1, 1838.

misrepresentation of facts on Melbourne's part, it must have sent him into a towering rage. And he had appointed Turton. And there would probably be more lies at home—and he, off in Canada, would make a most appropriate scapegoat.

Melbourne was in a most anxious state of mind, and three days after writing his first letter he wrote again repeating the substance of the former letter for fear it might 'have been delayed in its course or have missed its destination'. He advised Durham to send Turton 'home again'. 'A report is got abroad of Gibbon Wakefield having gone out to you and, joined to the affair of Turton, makes a great sensation. At all events keep clear of him.'[1]

Glenelg also took his part in the letter-writing. He has heard that Wakefield has gone to Canada. If that is so, he is not to receive any official appointment. The Government has no objection to his unofficial employment on Crown lands and emigration, in which he may be very useful.[2] 'The feeling is even stronger with respect to Mr. T—n than we had anticipated, and indeed so strong as to prove that there is but one course to pursue. In fact the Government are pledged that the gentleman shall not hold any appointment in Canada.'[3] This writing of 'T—n' as Glenelg would have written 'D—n' or 'H—l' was not calculated to appease Durham's indignation.

When these letters reached Canada Turton offered to resign. In his letter of resignation he expressed regret that his presence should have created embarrassment for Durham. When one member of the Government had suggested his appointment and another had offered an Indian promotion to induce him to accept it, he had anticipated no difficulties. He had come to Canada at a very considerable financial sacrifice.

> 'It is with the utmost surprise after your Lordship had waived my direct appointment from Ministers on the parliamentary establishment, that I now find them expressing a desire that I should not be appointed by your Lordship to any important office in this colony. [He prefers, however, to resign rather than place Lord Durham in the position of

[1] Lambton MSS., May 4, 1838. [2] Ibid., May 4, 1838. [3] Ibid.

appearing to force him on a reluctant Ministry.] May I add that the estimation in which you are pleased to hold my services, and your opinion of my fitness to hold those appointments, will ever be amongst the proudest of my recollections. As you have known me well for a long course of years, I cannot but feel that your confidence in me and in my capacity to serve my country more than counterbalances the censure of those who unhappily know little of me but from circumstances which I must always deeply deplore. To me, my Lord, it will always be a heartfelt solace to the hour of my death.'[1]

Durham refused point-blank to accept this resignation. A week later, on June 15, he wrote to both Melbourne and Glenelg. He stated in both letters that he had appointed Turton to a secretaryship, but that no salary would be required from either the British or Canadian governments. Having made this appointment before their letters had reached him, he would not withdraw it. In the letter to the Colonial Secretary he stated that he would give Wakefield no official appointment.

'If you, the Government at home, only support me and show a good front to the Tory marplots in England, I will answer for handing over to you in a few months all the North American provinces in a state of loyalty and contentment. If you cannot do this, but show the slightest want of confidence in me, you will do well immediately to replace me by another whom you can consistently support, for nothing can be so fatal to British supremacy here as an appearance of dissension and want of concord in the authorities of the State, colonial and metropolitan.'

He reminded the Prime Minister that it had been distinctly understood that he was to be at liberty to appoint Turton on his own responsibility after his arrival in Canada. He had intended to appoint him to his Special Council or to the Judicature Commission, but would not do so now. He had already been of inestimable service.

'The proceedings about him in England have created general disgust here, and the most strict people in the Province have gone out of their way to be civil to mark their sense of them. . . . As for Mr. Wakefield, your letter arrived before him, and I have therefore been able, without compromising my own character and independence, to comply with your desire. He holds no

[1] *D.P.* 6. i. 589 seq., June 7, 1838.

employment or official situation whatever, nor will his name appear before the public at all. "Oh, no! we never mention him; his name is never heard." Really, if it were not very inconvenient, all this would be very ludicrous. But I am placed in a very painful situation. I am called to perform an almost superhuman task. You provide me with no—or at least inadequate—means from yourselves, and you then interfere with the arrangements I make to supply myself with the best talent I can find. . . . [In Canada] they believe in my good intentions towards all, and in my having support from home. See you to that; I will provide for the remainder. The colonies are saved to England, as far as I am concerned, but you must be firm. Don't interfere with me while I am at work. After it is done, impeach me if you will. I court the fullest responsibility, but leave me the unfettered exercise of my own judgement in the meantime.'[1]

On June 18 he appointed a Commission of Inquiry on Crown Lands and Emigration for all the British North American provinces. The Commission was also given power to make temporary regulations in each province. At the same time a circular dispatch—prepared by Buller—was sent to all Lieutenant-Governors urging them so far as possible to abstain from alienating Crown lands in the meantime.[2] Charles Buller was appointed Commissioner, but Wakefield did most of the work and was assisted by R. D. Hanson and C. F. Head, Assistant-Commissioners, and H. Petrie, Secretary.[3]

This was the first of Lord Durham's sub-commissions. That on Education was appointed on July 14, with Arthur Buller, brother of Charles Buller, brought from England for this purpose, as Commissioner, and C. Dunkin as Secretary. The Commission on Municipal Institutions was appointed August 25, with Charles Buller as Commissioner, and in this case the work was done by the Assistant-Commissioners, William Kennedy and Adam Thom. Turton was at work framing a suitable Registry Bill, Charles Buller was engaged in a similar task in regard to the commutation of feudal

[1] Lambton MSS. Parts in Reid, ii. 195–8 and Bradshaw, p. 172.

[2] *D.P.* 3, i. 770 seq. The draft of the dispatch, as also of a supplementary one of June 30 (Ibid. 3, i. 1037), is in Buller's hand. The commission and the two dispatches are in Appendix B of *Lord Durham's Report* and are printed in full in Lucas, iii. 29–33.

[3] Buller, *Sketch*, p. 350.

tenure on the Island of Montreal, and Turton and Arthur Buller were making a careful study of the whole legal and judicial system. There is every reason to believe that within a year Lord Durham would have removed all real grievances, satisfied every reasonable demand, and established adequate systems of municipal government and education in both Upper and Lower Canada—in addition to his epoch-making work of reconstructing the government of Canada and the character of the British Empire—if Downing Street had left him alone and the British Parliament could have refrained from using Canada as a football for British politics. But the trouble which was being prepared for Durham in England, while it reduced many of his designs to the form of bases for future legislation, also clarified his vision and nerved his courage to outline that new system under which the forces that destroyed his authority should never be let loose again, but Canadian policies for all time to come should be controlled by Canadian politics.

At the end of June he had two months and a half before the storm broke. During the closing days of that month he gave the cities of Lower Canada their first police system worthy of the name, a reform which was permanent and had a marked influence on the organization of the police in Upper Canada. Quebec and Montreal had had nothing better heretofore than an old-style 'watch', and conditions had been deplorable. Gosford and Colborne had been taking steps to devise something better. Durham's energy took the matter up where they left it, and in a short time gave both cities a thoroughly organized and efficient system along the lines of Sir Robert Peel's 'new police' in London. Within a few years Toronto, Kingston, and other Canadian cities adopted the same system.[1]

Ever since his arrival Durham had been grappling with that most delicate problem, the disposal of the Lower Canada political prisoners. Following the Rebellion wholesale arrests had been made. Colborne had released 326 prisoners, and of the 161 who remained he believed that 72 had been deeply implicated.[2] Lafontaine had suggested to Ellice a general

[1] See Richardson, *Eight Years*, pp. 33 seq.
[2] Q. 245: 4, Colborne to Glenelg, May 2, 1838.

amnesty. The French generally pretended to hope that that would be the line Durham, with his generosity and breadth of mind, would take. But it is difficult to believe that they really expected it. On the other hand the influential firm of Gillespie and Moffatt had informed Glenelg that the British in Lower Canada would be satisfied with the banishment of a few of the most serious offenders, so long as the place of confinement was far enough away.[1] Glenelg had come to feel strongly, and Durham agreed with him, that there should be no executions, but that some form of punishment should be imposed upon a few. The main difficulty lay in the means of securing a conviction. The Lower Canada law officers had reported that convictions could not be secured even in the clearest cases in the ordinary courts of law if juries were selected in a regular manner, because French-Canadian jurymen would vote for acquittal.

Lord Glenelg had acquainted Lord Durham with this difficulty on the eve of the latter's departure from England. Yet at the same time he enjoined him not to employ any special tribunal. 'By the verdicts of the ordinary juries the fate of the prisoners must be decided.' He was to follow Glenelg's instructions to Colborne, which were enclosed. These suggested that the greater number of prisoners should be released, leaving only those whose offences could not be overlooked. 'Even among these there will be distinctions to be made. Some might perhaps be safely arraigned and permitted to plead guilty, if they should be willing to adopt this course upon an assurance that the judgement recorded against them should not be executed, if they would voluntarily withdraw from His Majesty's domains in British North America and continue absent.' Of the others, it was suggested that a few against whom the strongest cases could be made, and who would be supported by a smaller amount of popular sympathy, should be placed on trial first. If they were convicted other cases could be proceeded with. If they were acquitted, the others would have to be detained and dealt with in some more effective manner.[2]

[1] Q. 253: 175 seq., Gillespie and Moffat to Glenelg, Jan. 9, 1838.

[2] G. 38: 470, Glenelg to Durham, Apr. 21, 1838, enclosing G. 38:296–307, Glenelg to Colborne, Mar. 19, 1838; *D.P.* 1, i. 371 seq., 392 seq.

Durham must have smiled when he read these instructions. Of those who were presumably most guilty, the guiltiest of all were to be put on trial with the chances a hundred to one for their acquittal. Then after they went scot free, those who were less guilty were to be kept in prison until some irregular device could be invented to secure their adequate punishment. Apart from its absurd injustice, such a course would subject his government to humiliating defeat, the triumphant scorn of the rebellious and the wrath of the loyal, all the old feelings would be stirred up by the trial, and the worst difficulties would still be ahead. It could not have taken him long to decide against that. But his instructions insisted that he punish some and that they should not be tried except by the ordinary courts. The problem was not an easy one. He was not forbidden to pack the juries, a device that had been frequently resorted to in Canada in the past; but he was the last in the world to pack a jury. Charles Buller and Turton, after studying the situation, suggested that the leaders should be punished by an *ex post facto* law, but Durham vetoed that as being un-British. After a careful review of the cases, since the number to be punished had been left to his discretion, he selected eight as the most culpable. He decided to secure from them a confession of guilt and, on the basis of that, pass an ordinance banishing them to Bermuda and pardoning the others. Glenelg had suggested something similar to this, but very different in its application; Glenelg's proposal applied to only one group of those to be punished, and the banishment would leave them free in the United States, which would be most inadvisable. Durham's solution was more lenient and more masterly than anything suggested by Glenelg, and at the same time satisfied all the necessities of the case.

Buller went to Montreal to consult with the leaders of the 'British party' and to negotiate with the eight. The British leaders in Montreal proved much more amenable to Buller's persuasive powers than the bloodthirsty statements of their press would have led one to expect. They all expressed approval of the proposal except Moffatt, who favoured trial by a special commission. Buller had approached the eight prisoners concerned through John Simpson, Roebuck's step-

father, who was collector of customs at Coteau-du-Lac. The proposal was quite acceptable to them. In their first statement, after asserting that if Lord Durham had come sooner there would have been no rebellion, and that they did not rebel against Her Majesty's person and government but against colonial misgovernment, they said, 'if there be guilt in high aspirations we confess our guilt and plead guilty'. That did not satisfy Buller, and he sent Simpson back. Their second statement, signed on June 26, contained the following passages:

> 'My lord, we have some reason to apprehend that the expressions used by us in a letter addressed to your lordship on the 18th instant may appear vague and ambiguous. Our intention, my lord, was distinctly to avow that in the pursuit of objects dear to the great mass of our population we took a part that has eventuated in a charge of high treason. We professed our willingness to plead guilty, whereby to avoid the necessity of a trial; and thus to give as far as in our power tranquillity to the country. . . . We again place ourselves at your lordship's discretion and pray that the peace of the country may not be endangered by a trial.'

This was accepted.[1]

The ordinance was enacted two days later, June 28, the coronation day of Queen Victoria. It will be remembered that Durham had been given the power to legislate with the consent of a Special Council to be appointed by himself and to consist of not less than five members. He now appointed this body with the following members: Buller, Couper, Charles Grey (all members of his staff), Vice-Admiral Paget, Major-General Macdonnell. They ratified the ordinance as a matter of form. This action, severely criticized in England, afforded general satisfaction in Canada. It was in harmony with Durham's policy of not associating with his government the members of either of the Canadian parties until old sores were healed, necessary reforms adopted, and a revised system of government organized.

The ordinance banished these eight prisoners to Bermuda, where they were to be subjected 'to such restraint . . . as

[1] *D.P.* 6, i. 631 seq., 643 seq., Buller to Durham, June 21, 25, 1838; Bradshaw, pp. 145–6.

may be needful to prevent their return to this province'. It also declared that if any of them or any of sixteen specified individuals (including Papineau, O'Callaghan, and Brown), against whom warrants had been issued and who had fled from justice, should return to the province without the permission of the Governor, they should be declared guilty of high treason 'and shall, on conviction of being so found at large or coming within the said province without such permission as aforesaid, suffer death accordingly'. Durham and his Special Council were here defining a new crime; that is, they were enacting a criminal law. They believed they had power to do so since full legislative authority had been placed in their hands. This was accompanied by a proclamation in the name of the Queen that in view of this ordinance no further proceedings would be taken against those charged with complicity in the rebellion, and that on giving security for their future good conduct they should all be released and allowed to return to their homes. The ordinance exempted from the amnesty the murderers of Weir and Chartrand.[1]

On the same day Lord Durham wrote a personal letter to Queen Victoria, in which, after offering his congratulations on the occasion of her coronation, he said:

> 'Unable as I am, in the execution of your Majesty's service, personally to tender my homage, and assist in the ceremonies of this day in England, I can only console myself by laying at your Majesty's feet, from America, the best tribute of loyal respect and devotion which I can offer. . . . I have been able to do this [the amnesty] in your Majesty's name without danger, because I have in my own done all that sound policy required in the way of punishment and security. Not one drop of blood has been shed. The guilty have received justice, the misguided mercy; but at the same time, security is afforded to the loyal and peaceable subjects of this hitherto distracted province. . . .'[2]

In his letter to Melbourne of the same date he said: 'It is a great weight off my mind, and a great gratification to find that the proceedings I have adopted have been approved by all parties—Sir J. Colborne and all the English party,

[1] Q. 246: 205 seq. Printed in *Ordinances of the Special Council*, 1838, ii. 7, and in *Annual Register*, 1838, Public Documents, pp. 304–8; *Quebec Gazette*, June 28, 1838.

[2] Lambton MSS. (copy), June 28, 1838. Given in full in Reid, ii. 205.

the Canadians, and all the French party. . . . I hope you will send directions to the Governor of Bermuda to treat the prisoners with all due leniency.' Neither this letter nor his dispatch to Glenelg of the following day[1] goes much beyond bare statements of what he had done. There is some cogent argument as to why he had not given them a jury trial or sent them to a penal colony, but there is no explanation of his selection of the Council, not a word about the prisoners' statement except the fact that they had confessed, and a general lack of background. He failed to put the Ministers in a position to answer questions in Parliament. A masterly solution of a problem was followed by negligence.

The exiles sailed for Bermuda in the *Vestal* July 3. It was said that Buller sent them extra articles of comfort for their trip and that they drank Lord Durham's health. They had given Durham their parole not to attempt to escape from the *Vestal* or from Bermuda, and Durham instructed Admiral Paget to assure the Governor of Bermuda that their parole could be relied upon and to urge him to show them all possible leniency and consideration. They reached Bermuda July 24.[2]

When Durham told Melbourne that *all* the British party and *all* the French approved of his ordinance he fell into that habit of exaggeration to which he was so prone. A meeting of French extremists at St. Roch passed a series of violent resolutions, and the *Montreal Herald* used this as it did every action of Durham's as a handle for attack. But certainly the majority of both parties were very well pleased with it and regarded it as a most satisfactory and statesmanlike solution of the difficulty. Of the newspapers, the *Montreal Herald* alone was antagonistic, the *Montreal Gazette* and *Montreal Transcript* had little to say one way or the other, the *Montreal Courier*, the *Quebec Mercury*, and the *Quebec Gazette* expressed decided approval, and *Le Canadien* and *Le Populaire* were enthusiastic. *Le Canadien* of July 2 stated that the measure would be acceptable to all liberals,

[1] Lambton MSS.; Q. 246: 204–5; *D.P.* 2, i. 112.

[2] Brodeur MSS., Durham to Paget, July 3. Quotation from *Royal Gazette of Bermuda*, July 31; *D.P.* 1, ii. 734 seq. (with enclosures); Q. 253: 266.

lauded Durham's generosity, and drew a pointed contrast between his treatment of the rebels and that of the government of Upper Canada, with its executions and confiscations of property. As Dr. Chapais has pointed out,[1] the outspoken and censorious *Le Fantasque* was loud in its praise of the measure and, in its issue of July 12, said: 'In short, all the acts of the Governor have been marked with the stamp of precision, skill, firmness, and independence', which afforded a welcome contrast to those of his predecessors. Such statements and the whole situation here adverted to should be kept carefully in mind in view of the outcry a month later in England over the wrongs of the French-Canadians, the poor misused victims of the Dictator's high-handed and tyrannical methods.

An aspect of the reception of the ordinance, almost as important, was its effect in the United States. The danger spot in the Canadian rebellion had always been the attitude of the Americans. Lord Durham's ordinance of June 28 was the great turning-point. It was natural that Americans should have seen in the Canadian rebellion a repetition of their own revolutionary struggle and have invested the 'patriots' with all their substantial grievances of those days, and the Government of Great Britain with all the tyranny of their legendary George III. But the Yankee, for all his prejudices, had keen eyes, and when he saw a British governor, who had been resolute enough to talk to Uncle Jonathan as Durham had a few weeks before, treat the leaders of a serious revolt against the British Crown in this fashion, he adjusted his perspective appreciably and showed a disposition to re-think this question of British tyranny so far as the Canadians were concerned. As Buller described it:

> 'All parties agreed in extolling it as a noble, wise, and liberal act. The very newspapers that had been previously most violent in assailing the British Government changed their tone for a while. And the revulsion of feeling throughout the Union was general and permanent. From that hour the feelings of national jealousy and political sympathy gave way to that of admiration of Lord Durham. From that hour the disaffected in Canada ceased to derive any aid from the public opinion

[1] *Cours d'Histoire*, iv. 251–2.

of our neighbours, and among our difficulties we had no longer to contend with the chance of war with the United States.'[1]

At the same time Lord and Lady Durham were carrying on an elaborate and successful social programme. Lord Durham's first levee and Lady Durham's first drawing-room were held early in June. The latter was said to be unique in that it was conducted precisely on the plan in use at the Court of St. James. At the upper end of the supper room on a buffet covered with maroon-coloured cloth was a splendid display of family plate and Lord Durham's racing trophies.[2] Describing the occasion in a letter to her mother, Lady Durham said:

'The ladies had all done their best in dressing and were smarter than I expected, but seemed in a great fright. That they are also when they come to dinner, particularly with Lambton, though he does all he can to put them at their ease. I cannot help telling you that the one he took out to dinner the other day, who had been given him as the highest person present, ate *jelly* with her knife.'

Lady Durham also observed that the French ladies were pleasanter and better mannered than the English.[3]

But more remarkable than levees, drawing-rooms, and balls was their daily hospitality. While they were at Quebec they had never less than twenty-three at dinner and sometimes as many as forty-four. 'So little', wrote Lady Durham, 'were we ever in private that I never once saw him dine out of uniform, from the day we landed till that on which we re-embarked to return home.' In his invitations Lord Durham broke through the charmed circle of the official group and invited representative people from all sections of the population. He broke the social monopoly of the official clique as decidedly as he had crushed their political power. They never forgave him. Their accusations that he treated them discourteously were not without prejudice. It is possible, however, that when they took it upon themselves to remonstrate with him, they met with an impatient response.[4]

[1] Buller, *Sketch*, p. 352. [2] *Quebec Gazette*, June 15, 1838.
[3] Lambton MSS., Lady Durham to Lady Grey, June 24, June 5, 1838.
[4] Ibid., June 5, July 4; Lady Durham's Journal, 15.

Never had the old city of Quebec seen such regal splendour as marked every public act of Lord and Lady Durham. When Lady Durham went driving, she was always accompanied by a string of outriders, and when Lord Durham rode out for exercise it was never without a scarlet-coated retinue of imposing proportions.

On July 4 they were ready to begin a tour of Upper Canada. 'During this time', said Lady Durham, 'he was generally well in health and in good spirits, pleased with the prospect of success.'[1]

[1] Lady Durham's Journal, 14.

XIX

THE CLOUDS GATHER

Lord Durham had not yet visited Montreal, and as it lay in his course to the Upper Province he included it in his tour. He arrived there July 5 and landed July 6. Montreal was the stronghold of the ultra section of the 'British party'. Their toryism had prejudiced them against Durham at the outset. There was a feeling on the part of Durham and his staff that, though the leaders had consented to the Bermuda ordinance, their followers were in a discontented mood. Charles Grey wrote to his father:

> 'He met with really a most enthusiastic reception, and I am happy to say that his coming has been attended, as I was always sure it would, with the best possible effect. His answer to the address, both the formal one and the little speech he made after it, and, still more, his civility to the leading men of the English party, and his open manner with them, have completely gained them, and they seem now disposed to place as much confidence in him as they before appeared to feel the contrary.'[1]

In his addresses he emphasized the maintenance of the British connexion, the development of the vast resources of Canada, and the union of all parties to achieve common aims. As he appeared in public day after day his receptions became more enthusiastic in character, and on the 9th Lady Durham could write to her mother that Montreal was even out-doing Quebec in public demonstrations. She adds, 'He had looked upon it quite as a sort of crisis and could not have hoped for a more favourable result.'[2]

During these days in Montreal Lord Durham laid before a group of seven men, selected by Peter McGill, a plan for a federation of the British North American provinces. The Montreal leaders were, of course, all for legislative union and were opposed to federation because it would place them in a minority in the Lower Canada provincial government, where the French would undoubtedly secure an ascendancy. This feeling was strongly expressed in a letter of Moffatt to

[1] Correspondence in possession of Dr. Doughty, July 8, 1838.
[2] Lambton MSS., Lady Durham to Lady Grey, July 9, 1838.

Colborne, in which he also objected to the abolition of legislative councils proposed by Durham.[1]

The party left Montreal on July 10, stopped at Cornwall and Kingston, where Lord Durham received and responded to addresses, and sailing from the latter point directly to Niagara arrived there early on the morning of the 13th. The Falls excelled all their expectations—'the most sublime and beautiful spectacle in creation'. Lady Durham wrote to Lady Grey: 'How I long to have you enjoying this unequalled spectacle. . . . I shall almost consider this one sight has repaid us for the sacrifice of coming.'[2]

In the same letter Lady Durham stated that 'Lambton was up early, inspecting forts, docks, &c. But he is very well and seems quite equal to the work he has undertaken, but which, I assure you, is no slight one, even in respect to bodily fatigue'. Durham was impressed not only by the Falls but by the city of Buffalo and the possibilities of the Welland Canal. He wrote to Glenelg:

> 'If this canal was completed and the St. Lawrence Canal, the water communication by the Lakes, the Rideau Canal, and the St. Lawrence to the sea by Montreal and Quebec would be complete, and all that immense trade which now flows from the West by Buffalo and the Lockport and Grand Canals to New York would pass through our provinces, and enrich all the towns and districts through which it was carried. . . . I feel it my duty to press it on the immediate attention of Her Majesty's Government. I would ask of them a grant of money to be issued on the same principles and securities as those which regulate the assistance given to harbours, railroads, canals, and other public works in England.'[3]

This dispatch resulted in the appointment of Colonel Phillpotts, whose report led the British Government to give substantial aid to the Welland Canal.

Lieutenant Governor Arthur and Sir John Colborne joined Lord Durham at Niagara. There were reviews of troops. A number of Americans crossed over to the Canadian side. For these and for the Canadians of the district Lord Durham provided the most sumptuous entertainment. He went out

[1] *D.P.* 6, i. 829, July 13.
[2] Lambton MSS., July 14, 1838.
[3] Q. 246: 282, July 16.

of his way to show his friendship for the Americans. On the 15th he took the unprecedented step, for a Governor, of crossing to the American side. Lady Durham wrote in her journal:

> 'It was reckoned something of a bold measure to cross in this way, he and his staff in full uniform among the Americans, and I believe if much had been said about it, or he had regularly consulted Sir John Colborne and others, that he would have been advised against it. We had heard a great deal on arriving of the bad spirit which prevailed across the frontier, but we met with nothing but civility, people even taking off their hats as we passed, an unusual mark of respect among the Americans. We heard afterwards that as soon as it was known we were gone across, our return had been watched for with some anxiety at Niagara.'

Of Durham's hospitality and friendliness to American visitors to the review on the 17th, Lady Durham wrote:

> 'It was the first occasion on which any attempt towards cordiality had been made on the part of a British Commander and the result completely exceeded his expectations. From that moment a marked change took place in the feeling of the people of the United States, and for the first time goodwill and friendly spirit seemed to prevail among them towards the English of the colonies. These dispositions were still further encouraged on his return to Quebec. He set apart a day for receiving all those who came with satisfactory references, and showed further civilities to such as prolonged their stay.'[1]

Charles Buller said:

> 'After the studied reserve that it had been usual for the leading persons in the British provinces to maintain towards their republican neighbours, it was most gratifying to the latter to be received with cordiality by the nobleman of the highest position with whom they had come in contact. I have often said to those who (after the fashion of petty carping, by which we are assailed) used to dilate on the seven or eight hundred pounds that were spent in the course of Lord Durham's visit to Niagara as a monstrous expense, that, considering the results attributable to it, a million of money would have been a cheap price for the single glass of wine which Lord Durham drank to the health of the American President. . . . Henceforth,

[1] Lady Durham's Journal, 26, 28.

instead of incivilities being offered to every British officer who chanced to cross the lines, the citizens of the United States vied with each other in hospitality and respect to them. Lord Durham continued this wise course after his return to Quebec, where he made a point of receiving the numerous travellers from the United States at his house during the summer. These were in themselves but slight acts and easy observances, but they were parts of a great view of international relations, and produced great and good effects on the feelings and intercourse of two nations. It is only the man of statesmanlike mind who can produce a great result out of things so small as an invitation to dinner, or the drinking of a glass of wine.'[1]

While there is in these accounts a large measure of personal devotion, they are amply confirmed by the American newspapers of the period. Buchanan, the British consul at New York, writing to Colonel Couper of the remarkable change wrought by Lord Durham in American sentiment, said: 'The most violent democrats here are loudest in praise of Lord Durham's courteous manner, and advocates of his "lordly court", as they term the banquet they partook of at the Falls.'[2]

Previous Governors of Canada had maintained an attitude of aloofness, and their antipathy to American ways and American institutions had been thinly veiled in their public utterances and frankly expressed in their letters and confidential dispatches. Durham's friendship for and admiration of the Americans were spontaneous and sincere. His interest in popular government was an element in this; he believed in the great American experiment just as he believed in the experiment which he himself had launched in England. The Americans appealed to him also as a progressive people, following keenly the trails blazed by the Industrial Revolution. His habitual frankness and love of liberty found for him ready affinities with the Americans. Durham was a great Englishman, and in spite of many things which he must have disliked he caught the conception that the strongest traits of the American character were simply some of the finer characteristics of old England transplanted to a new soil. To what extent he was influenced by the fact that his father

[1] *Sketch*, p. 354.

[2] *D.P.* 6, i. 973, July 31, 1838.

and his father's friends had been ardent Foxites and the best friends of the American colonists in the days of conflict, it is difficult to say; it is probable that the influence of Fox is as strong here as it was elsewhere We boast to-day the longest international frontier in the world, unarmed, unguarded, consecrated by over a hundred years of peace. But the new forces began to play across that frontier in the short, fateful administration of Lord Durham. This significant fact of American history is closely related to Durham's position in world-history as the prophet and pioneer of British democracy and colonial self-government.

On the 17th Durham wrote a long letter to Melbourne:

'I shall privately and confidentially consult with all the Governors and the principal men in all the provinces, and, having collected their sentiments, shall be prepared, as I told you, with my plan, which you will receive by the end of November. Thus far all looks well. Everyone approves of the general principles of the scheme I suggest, and thinks it will work well in practice. . . . I mean to have all my consultations over in the month of October, having summoned all the colonial notabilities to meet me at Montreal in that month.

'Everywhere I have said, and I hope I shall be sanctioned by you, that the object of my mission, and of my measures, is to perpetuate the connection between England and these colonies, indeed to render their separation impossible. You have no idea what general satisfaction this declaration has given. . . .

'Adieu. You must excuse the hurried and indistinct manner in which this letter is written, but I have no time to spare. It is now five in the morning, and lately I am no longer master of my own time. . . .

'If I had any right to insert anything of a private nature in this letter on public matters, I should say that I am now writing to you in sight of the grandest and most magnificent spectacle which ever presented itself to my eyes—The Falls of Niagara. They infinitely surpass the most extravagant notion I ever entertained of their sublimity. No man ever lived, but Milton, who could adequately have described them.'[1]

At Niagara there came another break in Durham's health. His activity had been constant and he never allowed himself

[1] Lambton MSS.

sufficient rest. He was sometimes up as early as four o'clock in the morning writing his letters and dispatches. The fatigue of the journey to Fort Erie on the 14th broke him down for the time being. Lady Durham complained that 'he never allowed himself sufficient time to recover but resumed his exertions before the attack was by any means dispelled'.[1]

After five days at Niagara he and his party left for Toronto, July 18, arriving there at four o'clock in the afternoon. Lady Durham wrote in her journal:

> 'He was so ill when he approached Toronto that it was necessary to keep off the steamer and delay the landing for half an hour while he endeavoured by a hot bath for his feet, and such remedies as could be given for the moment to palliate the suffering so as to enable him to get through the ceremonies of the public reception which awaited him. . . . He had such resolution and energy that he would never give in, where he thought the object required the exertion. On this occasion he seemed so entirely unwell that I was quite alarmed for the consequences.'[2]

Toronto gave him a splendid reception. A public holiday was declared and every municipal organization, including the fire brigade, was turned out in his honour. He made a speech shortly after landing. After the other festivities came a dinner, at which he made two speeches.

> 'So ended [wrote Lady Durham] a day of frightful fatigue, the effects of which he felt a long time. . . . Next day he was rather better but did not go out, altho' he was perhaps engaged in a more fatiguing manner, in holding a levee and giving interviews to numerous persons who were anxious to see him. . . . We saw Toronto to great advantage. It is in general spoken of as a dull place, but the number of people who had come in from the surrounding country, and the animation which prevailed in the town did not admit of such an impression upon us. We were rather struck with the appearance of the streets, which seemed to be better built and to consist of better houses than in any place we had seen. There also seemed to be some pleasant houses and gardens looking toward the lake.'[3]

The Baldwins, father and son, called on him by appointment, but he could give them only twenty minutes. He

[1] Lady Durham's Journal, 27. [2] Ibid., 29. [3] Ibid., 30–1.

was interested in their views of constitutional reform, and urged them to write to him fully in regard to them. One of the delegations represented the Roman Catholic citizens. The *Toronto Mirror* (Reform) gave the following account of the proceedings which followed the congratulatory address:

> 'The deputation . . . called his attention to the late Orange procession in Toronto and to the probable consequence of further exhibitions of this nature. The deputation was received in the kindest manner and was assured by the noble earl that Orange processions were illegal—that the actors ought to be proceeded against as much as those who had taken up arms against the Government, and that he would use his utmost endeavours to put down the system of Orangeism in the province. He further pledged himself as the friend of civil and religious liberty, and the deputation returned highly gratified with their reception.'[1]

Lord Durham may not have expressed himself as strongly as the *Mirror* indicated, but it seems probable that something of the sort was said.

Lord Durham left Toronto on the afternoon of the 19th, having been in the city twenty-four hours. On the return journey he stopped at Kingston and Prescott on the 20th, John Beverley Robinson accompanying him from Toronto to Prescott. He spent the 22nd and 23rd with Edward Ellice, Jr., at Beauharnois, his father's seigniory. The second day of this visit was one of enforced rest, as Durham was too ill to go on. On the 24th he arrived at Montreal, where he remained for two days. He had intended to tour the Eastern Townships, but abandoned the project on account of his health and returned to Quebec, arriving on the 27th.

In connexion with this Upper Canada tour a cycle of stories developed, centred about Lord Durham's haughty manner and quick temper. Kingsford incorporated a number of these in his *History of Canada*. He arrived at Kingston late at night,[2] there was no guard of honour to receive him, and he administered to Colonel Dundas of the 83rd a severe

[1] *Toronto Mirror*, July 21, 1838.
[2] He actually arrived at 11 o'clock.

reprimand. The very smell of tobacco was distasteful to him, and no one was permitted to smoke in his presence. On a steamer one night he detected the disagreeable odour and ordered the captain to discover the offender. After some time the captain reported that Vice-Admiral Sir Charles Paget was ensconced in a remote and comfortable corner, smoking a cigar. The admiral was allowed to finish his cigar in peace. On the return journey a clergyman who, with the permission of the captain, had attempted to travel by the steamer reserved for the Governor and his party was stranded at Coteau Landing, sixteen miles from his destination.[1] Kingsford, writing in 1898, apparently believed these stories, but gave no authority for them. Most of Kingsford's stories and a number of others are to be found in Richardson's *Eight Years*. Richardson was a contemporary and in fairly close contact with Lord Durham, but his book was written nine years after 1838. He told the stories as one who did not believe them, and was confident that they were later inventions due largely to the antipathy to Durham of the Family Compact and the dethroned official clique of Lower Canada. He was a great admirer of Durham and went out of his way to argue that his haughtiness and temper were very much exaggerated, yet he re-told with some gusto these stories that were going the rounds. While expressing disbelief in nearly all the stories he recounted, Richardson was in a position categorically to deny one of them. In presenting a cup at the Montreal races, Lord Durham was said to have angrily rebuked the Earl of Mulgrave, one of his aides-de-camp, for not placing it before him in the proper manner, and to have taken time to show him how it should have been done before proceeding with the presentation. Major Richardson stated that he was with Lord Durham in his box during the whole time, that he witnessed the presentation, and that he saw nothing of the sort. He added that he did not hear any of the stories until several years later.[2]

Buller, left behind ill at Niagara, wrote to Durham:

> 'It seems to me here to be a mere question between a petty, corrupt, insolent Tory clique much of the kind we found in our old close boroughs and the mass of the people. You can hardly

[1] Kingsford, x. 121–3.

[2] Richardson, *Eight Years*, p. 37.

conceive how popular you are with the latter, and how furiously the others are said to rage against you. It is asserted that your proposing the President's health is an act of positive high treason: I have no doubt the judges & Orange juries here would so find it. Also you expressed yourself at Toronto in a manner hostile to Orangemen. Whereby you offended against religion as well as the constitution.

'These fellows here will give you trouble: and I see how they will set to work by making objection to your powers and disputing the legality of your acts. . . . Your stopping the jobbing in the Canadas is death to the Family Compact; and they'll die hard, and make Arthur lend them a helping hand.

'If a collision should take place between you and these gentry it is as well to know beforehand how the land lies, and I am for that reason anxious to know how it lies at Toronto especially. I want very much to spend a few hours there before I leave this part of the world.

'I am told the Americans are quite captivated by your behaviour to them, and that at Buffalo they have had private meetings to contrive some mark of respect to you.'[1]

Immediately after Lord Durham's return to Lower Canada Charles Grey wrote to his father:

'Lambton has been very unwell, and consequently very irritable for the last three days. Having nothing to do with him he is always good natured to us, but I daily thank my stars that I *have* nothing to do with him. It is astonishing, taking everything of importance as coolly as he does, to observe how trifles upset him. With it all, however, he is very good-natured to those about him, and I think he is liked by them all.'[2]

Before he had time to recover from this illness there arrived from England a series of communications on the Turton affair. Melbourne, of course, after having made his sweeping declaration, had been caught out when the news of Turton's appointment reached England. The Tories were quick to press their advantage against the Government, and Melbourne calmly made Durham the scapegoat. He informed the House of Lords that Lord Durham's dispatches had said nothing about such an appointment (which was quite true). The

[1] *D.P.* 6, i. 907.

[2] Charles Grey to Lord Grey, July 24, 1838. Correspondence in possession of Dr. Doughty.

authority of the *Quebec Gazette* could not be questioned, however, and it was with surprise and regret that he had read the announcement.

This was July 2. Again Melbourne wrote Durham immediately:

'You must be well aware, after the letters which you must by this time have received, . . . that this step must necessarily place us all, and me more particularly, in great difficulty and embarrassment. I have been questioned to-night in the House of Lords upon the subject by Lord Wharncliffe, and I could not, of course, say otherwise than that I had heard of the appointment with great concern and great surprise, and that when I had made my former statement—to which, of course, he called my attention—I thought that I had had reason to expect that no such appointment would be made. I could not say other nor less than this, because I must own it appears to me most wonderful that you should have done this so hastily, so precipitately, and so entirely without consultation. If the public feeling here was such as to render it advisable that no appointment should be made here before you went, you could not suppose that it could either be satisfied or evaded by making the appointment upon the other side of the water immediately upon your arrival. I write this upon my own account, and without having consulted with others. What steps it may be necessary to take in this matter it is impossible at this moment to say; but it must be considered and determined upon. With the exception of this unfortunate, and from the beginning most ill-advised proceeding, your letters seem to be satisfactory.'[1]

Two days later Glenelg wrote a dispatch which covered the same ground in a more formal manner.[2] Durham's reply to Melbourne's letter is apparently lost. It would make interesting reading, as it was probably no less spirited than his dispatch to Glenelg[3]:

'I beg most unequivocally again to remind your lordship, that I stated to Lord Melbourne, before leaving England, that whilst I waived any appointment by the Government at home for Mr. Turton, I should feel myself at full liberty to employ him on my arrival here in any way that I considered most advisable—provided always that such appointment emanated from myself alone, and did not require the sanction of Her Majesty's Government.

[1] Lambton MSS. [2] *D.P.* 1, ii. 92, July 4. [3] *D.P.* 2, i. 193, July 30.

'Such is strictly the case at present: Mr. Turton is my own secretary and not the Civil or Provincial Secretary, or one of the secretaries named in the establishment submitted to Parliament. His appointment as one of the Executive Council is not under mandamus from the Crown, and is derived from myself alone. I am not aware, therefore, that Her Majesty's Government are called upon to take any cognizance whatever of Mr. Turton's appointment, which, neither as to nomination or salary, can ever come under their notice.

'You will allow me, my lord, to say that I also on my part have observed with "great surprise and regret" the tone which Her Majesty's Government adopted in the debates in the House of Lords to which you refer me. Whilst the highest situations in the Empire have been, and still are, held by those who have had the misfortune to be convicted of adultery—it is most unjust to denounce and devote to destruction the holder of a petty office, merely because he is without political friends or family influence. I feel "surprise and regret" that Her Majesty's Government did not, at the outset, expose the hypocrisy of this proceeding, and ascribe it to its true cause—the desire to embarrass political opponents, and not a regard for that morality which had repeatedly been violated without compunction or remonstrance.'

Durham might have said more. He believed that the Government was betraying him, that it was wilfully placing him in a false position in order to protect itself. But he was unwilling as yet to make such statements in a public dispatch.

Durham's assumption that his appointment of Turton was none of Melbourne's business was a most remarkable one. Melbourne felt that his Government was in an extremely precarious position and was being weakened by this Turton affair. Avoiding trouble was always a first consideration with him, and the fact that this trouble was so unnecessary stirred his indignation against Durham, whom he had always disliked. To his mind, Durham was exasperatingly unconcerned about the bearing of his conduct on the fate of the Government, was acting as though his decisions as Governor of Canada were the questions of first importance, and was not even deigning to afford the British Government sufficient information on matters that were vital to its existence. Over the Turton matter both men were developing a state of mind

that goes far to explain the fateful events precipitated later by the attack on the Ordinance.

The following quotations from Melbourne's letters to Durham of July 17 and 18 will illustrate some of Melbourne's substantial grievances against Durham and a tendency to reasonableness on his part, as well as his lack of tact in writing some of these things to a man like Durham. The effect of the words on Durham's mind in view of all the facts may be left to the imagination of the reader.

'You never ought to have entered into any negotiation with him upon the suggestion of others without distinctly naming it to me. You must have known, and you did know, the objections that would arise.

'When, in consequence of the state of public feeling here, you were persuaded that it was necessary to give up making the appointment, who could have expected that you would make that appointment the first act of your government upon your arrival? and, considering the ferment which prevailed upon the subject at the time of your sailing, you must have expected that the matter would be mentioned in Parliament; and was it ordinary discretion not to wait until you learned whether it had been so mentioned, and what had been said by the government upon the subject? . . . If these [Melbourne's last two letters] should make no alteration in your determination, I cannot, of course, take upon myself the responsibility of pushing matters to an extreme which would hazard the interruption of that course of policy in Canada which you have auspiciously commenced, but in that case you must be prepared for the result of any motion in Parliament upon the subject. I am prepared to resist such a motion; but if it should be carried, I hope that you will be prepared to acquiesce in it.

'Upon all other matters, upon all parts of your conduct, except as far as relates to Mr. Turton, I have only to express, according to my present information, my full approbation and concurrence and my congratulations upon the good effects which your measures appear to have already produced. . . . It is incredible that a man of common sense should show such an ignorance or such a disregard of public feeling and opinion as you have done in the selection of these gentlemen. If their abilities and powers were superhuman they would not counterbalance the discredit of their characters. . . .

'Only consider how you injure your own private character,

by the association of such men with yourself and family. Only consider how you injure the Queen, whose age and character demand some respect and reverence.'[1]

At the same time Durham received a letter from his friend Parkes:

'In degree and publicity of offences, and public feeling for their nature, no two men in England could attract more prejudice or commentary in their public employment. . . . Under the circumstances of Lord Melbourne's last disclaimer and rebuke of you the question with all your friends is what course you can wisely take—your enemies and political opponents hoping that you will throw up and return. We, who know you, know you will disappoint them, and that you would never by resignation invite the responsibility of being visited with the onus of embarrassing the government. . . . We all think that after the position against you Lord Melbourne assumed (which I think was not necessary and might easily have been otherwise managed by him) Turton cannot remain. . . . It is a Pharisaical cant but there is no opposing force to stay it, especially when the female sex foment the outcry.'[2]

On August 9 Durham wrote a long dispatch to Glenelg, embodying what was really a preliminary report.[3] The greater part of it is devoted to a description of the racial conflict in Lower Canada, which anticipates in outline a large part of the Lower Canada section of 'Lord Durham's Report'. As in the Report, he has discovered 'the existence of a most bitter animosity between the Canadians [French-Canadians] and the British, not as two parties holding different opinions and seeking different objects in respect to government, but as different races engaged in a national contest'. As in the Report, the British are all on one side and the French all on the other; 'the mutual dislike extends into social life, where, with some trifling exceptions, all intercourse is confined to persons of the same origin; each side assumes false designations and fights under false colours', the French really being the more conservative, fighting for their old institutions, and the British the more liberal, desiring to break down the old ways in the interests of progress. Durham in this dispatch blames this situation on the early policy of the

[1] Lambton MSS. [2] Ibid.

[3] *D.P.* 2, i. 271–96. The original in Durham's hand.

British Government, in precisely the same way as he did later in his Report. The lack of sympathy between the official group and the main body of the British population, the perversion of legislative powers on the part of the Legislature, the aggravating effects of the rebellion, the general disaffection of the French, and the attitude of the Americans are all viewed as in the Report. Almost a third of the long section on Lower Canada in Lord Durham's Report is clearly suggested here.

There is little attempt, however, in this dispatch at constructive suggestion. That is to be left until later. The commissions on education, municipal government, and crown lands were, it must be remembered, only getting well started in their work, and Durham would not care to attempt to anticipate their conclusions. Nothing is said about Responsible Government; it can be confidently asserted that this had not yet been adopted by Lord Durham as the great solution. In conclusion—still speaking, it must be remembered, of Lower Canada—he expresses the hope that the British Parliament 'will sanction such measures as will effectually provide for the abstraction of all legislation on British interests from the control of a French majority. I am of the opinion that this great object can be legitimately effected without violence to Canadian rights, and in strict accordance with the sound principles of constitutional government' Everything points to the fact that his great reliance in this as in other respects was on federation.

This dispatch is also remarkable for its interpretation of the rebellion and its imputation to Canadians of a desire for war with the United States. As in the Report, Lord Durham associates the rebellion with a *general* disaffection on the part of the French and expresses the belief that it would have succeeded had it not been for inadequate preparation and poor leadership. The weight of historical evidence—and there is a great deal of it—is directly against this. Lord Durham was anxious to know the whole truth, and desirous of being fair to all parties, but he hardly came at all into personal contact with the French-Canadians, while he had had many conversations with the British leaders. On the other hand, he states that the rebellion was

'precipitated by the British from an instinctive sense of the danger of allowing the Canadians full time for preparation'. The statement is a remarkably cool and confident one. There is some reason to believe that it was true, but in any case it could apply only to a small minority among the British.

The most surprising and sensational statement is the following:

> 'Both parties are disposed to wish for a war between England and the United States. Though there are but few on either side who would make such an avowal, the truth appears from circumstantial evidence; such as the pains taken by the British organs of the press to affront and provoke the Americans, and the envious satisfaction and industry with which both Canadians and British of all conditions invent and propagate reports of a warlike tendency. No tale is too extravagant for the belief of either party, provided it encourages the hope of an American war, and every story of the sort is listened to and repeated with a degree of satisfaction proportioned to its absurdity.'

The British wanted war, according to this dispatch, because it would place the French at their mercy. The French-Canadians wanted it because it would free them from British rule; an invading American army 'would operate in a friendly country'. We know of no historical evidence to support these astonishing assertions, and careful study of the newspapers of the period fails to confirm them. Lord Durham, subject from the first to the common English prejudice that the French were a rebellious race, was in this case reporting to the home government impressions that had been too quickly formed. Among other things, he had not yet learned that Canadian patriotism considered it necessary to nourish itself on loud, sometimes boastful, anti-American declamations which were usually mere pretence. That continued to be the case long after 1838. To assure itself of the support of good patriots and the applause of the *profanum vulgus*, a newspaper must, when the occasion offered, reach out and verbally tweak the noses of its American neighbours. Bearing this in mind, the statements made in the press in 1838 appear to be quite innocuous and leave one with the impres-

sion that on the whole the Canadian people of both races faced a delicate situation with remarkable coolness and that war was the thing farthest from their desires.[1]

There is no reason to believe that up to this time Lord Durham had any idea of advocating Responsible Government for Canada. Neither in his own utterances nor in the communications of others is there any indication of this. In Lower Canada it was neither desired nor understood. In his brief tour in Upper Canada he or Buller may have heard vague references to it, but, as we have seen, the idea was neither clearly understood nor generally advocated by Upper Canada Reformers. It was clearly formulated and urged as a matter of primary importance only by the Baldwins, Hincks, and perhaps a small group of their associates. It is a striking fact that in the letters addressed to Lord Durham by Upper Canada Reformers in response to his request for suggestions, there are only two passing references to Responsible Government, of which neither is at all definite and one is antagonistic. The only clear expositions of the doctrine were those given in the *Toronto Examiner*, a paper launched by Francis Hincks on July 4, the very day Lord Durham left for his Upper Canada tour. It is possible that Durham came across some of these statements and that it was by Hincks's pen that he was introduced to the idea which his own advocacy was to render a cardinal principle of British colonial policy. Considering how busy he was during the tour, it is doubtful whether his attention was attracted to the new newspaper. Copies of the paper were sent to him from the *Examiner* office, but at what time they started it is difficult to say. If his attention was not attracted to the *Examiner* during July, he would learn little from the references to it in the Lower Canada press immediately after his return. The *Montreal Transcript* of August 7 assumed that in advocating Responsible Government the *Examiner* meant an elective legislative council, which is exactly what the inhabitants of Lower Canada—and many of those in Upper Canada—understood by the

[1] It need hardly be added that the dispatch was marked 'Secret', and that the passages referred to were suppressed when it was printed later in the *Parliamentary Papers*.

expression. When the *Examiner* in its issue of the 15th took the *Transcript* to task for the misunderstanding, the latter printed a farrago of constitutional nonsense that betrayed a more profound misapprehension.[1] It was some weeks later that the *Transcript* grasped the simple but strange idea, only to attack it violently.

In the meantime, in the month of August, Durham received two very important letters from the Baldwins. That of the father, W. W. Baldwin,[2] gave a full account of the Upper Canada grievances and suggested Responsible Government, but did not give as clear an exposition of it, nor so forceful an argument, as did his son's communication of three weeks later.

Robert Baldwin's letter must have arrested Lord Durham's attention in a signal manner. There had been little time to discuss Responsible Government in the twenty-minute interview in Toronto, but in this letter Baldwin took full advantage of Durham's request for a written communication explaining his position. He enclosed a letter which he had written in England to Lord Glenelg, July 13, 1836, after the latter had refused him an interview. He relied on that as an exposition of his views. His letter to Durham was a personal appeal on the basis of that explanation.[3]

The letter to Glenelg had lain for two years in the Colonial Office, and on the few occasions on which the principle embodied in it was referred to, it was only to scout it as the wildest of impossibilities. When this letter was brought to the attention of Lord Durham, his adventurous and prophetic mind discerned its remarkable possibilities, and he advocated the principle it embodied as vigorously and as fearlessly as he had set the pace for his party in the championship of Parliamentary Reform. The conception was Baldwin's, and the view of Responsible Government for Canada presented in Lord Durham's Report as the most epoch-making feature of that remarkable document is, with a few differences of detail, some expansion of principle, and a more

[1] *Montreal Transcript*, Aug. 23, 1838.

[2] *D.P.* 6, ii. 1 seq., Aug. 1, 1838.

[3] *D.P.*, Aug. 23, 1838. The two letters are printed in full in *Canadian Archives Report for 1923*, pp. 326–37.

discerning application to imperial relations, the view expressed in this letter. It is a matter of pride that the principle on which the British Commonwealth of self-governing nations has been built, the principle which has held the British Empire together and afforded it permanence and vitality, was in its conception a Canadian idea. Without Lord Durham's advocacy, however, the voice of Baldwin would have been lost in the Canadian woods. It was necessary that some great British statesman be converted to this Canadian idea. Durham had the open mind, the gift of brilliant exposition, the forcefulness, the courage—nay, before the story was through, the heroism—that was needed. And fortune helped to set the stage and afford a dramatic opportunity for its promulgation.

After discussing several ineffectual remedies for the Canadian political situation, Baldwin put forward this suggestion: 'to put the Executive Council permanently upon the footing of a local Provincial Cabinet, holding the same relative position with reference to the representative of the King and the Provincial Parliament, as that on which the King's Imperial Cabinet stands with respect to the King and the Parliament of the Empire, and applying to such provincial Cabinet both with respect to their appointment to, and continuation in, office the same principles as those which are acted upon by His Majesty with respect to the Imperial Cabinet in this country.' This would require no legislative change in the constitution of Canada, the form of which it was desirable to preserve. It would amount 'merely to the application of an English principle to the constitution as it stands'. All that would be necessary would be to insert a clause in the instructions to governors.[1] 'From being an English principle, it would strengthen the attachment of the people to the connexion with the Mother Country; and would place the Provincial Government at the head of public opinion, instead of occupying its present invidious position of being always in direct opposition to it.'

Baldwin recognized that many of the popular grievances were exaggerated and some of them imaginary, but under the old system the discontent was bound to continue and

[1] This is followed closely in *Lord Durham's Report*, ii. 279–80.

the British Government would encounter more and more trouble and conflict. Under the system which he suggests government would work smoothly. If an Executive Council once in power neglected the wishes of the people, 'the people have only to return to the next parliament, men who would not give them parliamentary support and they would necessarily have to resign'. With this principle established, the remedying of all substantial grievances would follow as a matter of course.

The advice rendered by this Provincial Cabinet would be limited to 'the internal affairs of the province'. (Baldwin, however, made no attempt to draw the line between internal and imperial affairs as Lord Durham did in his Report.) There would be no conflict of responsibility. The Governor would still be responsible to the British Government. Collisions might occur between the Governor and his Council, and he might

> 'find it impossible to form an Executive Council which would secure parliamentary support upon any other terms than concession. . . . The practical working of the principle would be sure to postpone such collision to the latest possible period. The intermediate steps of a change of the Executive Council, and of appealing to the people by a dissolution, would at all events give the Home Government the great advantage of not itself coming in collision with the people till the last moment, and of ascertaining the exact point where the question of concession would become one merely of expediency; in addition to which I would remark that this objection is equally applicable to the practical working of the principle in this country; with this great difference, that supposing the people of England to be wholly unreasonable in their demands, the Crown has in point of fact no means of resistance; whereas in the case of a Colony there is as a last resort the application of that power, which, independent of the influence which a knowledge of the possession of it would necessarily give to the Representative of the Home Government, in the course of the previous contest, will always rest in the hands of the parent state to be exercised when all other means fail.'

Lord Durham went far beyond that in his Report. He recommended that in such a situation the British Govern-

ment should give no support whatever to a Canadian Governor.[1] That meant that the Governor would have to bow to the will of the Canadian people—as Durham had seen William IV forced to give way to the British people. It meant that the Canadian people would govern themselves in matters of purely Canadian concern. ('I admit that the system which I propose would, in fact, place the internal government of the colonies in the hands of the colonists themselves.')[2] Lord Durham's Report blazed the way to self-government much more clearly than did this conception of Baldwin's.

Baldwin's letter conveys the impression that these views had a much larger support in Upper Canada than it is possible for us to believe that they did. This may account for the statements in the Report to the effect that they were advocated by the Upper Canada Reformers generally.[3]

In his letter to Durham in which this letter of 1836 to Glenelg was enclosed, Baldwin set his panacea of Responsible Government over against Durham's panacea (at this time) of Federation, with a strange blindness to the fact that the political future of Canada was to depend upon *both* of them.

> 'I confess when I see the only man perhaps in the Empire who from his political reputation and peculiar position is in a situation to induce the Home Government to retrace its steps, concede to the Provincial Parliament its just influence in the direction of the local affairs of the Colony, and thus place the affairs of my native country upon a foundation from which permanent tranquillity may be looked for, about as I believe

[1] Ibid. ii. 280. [2] Ibid. ii. 281.

[3] I find it difficult to follow Baldwin's historical statements. Before the date of this letter one finds little advocacy of Responsible Government in this sense of the term. The term was employed as I have indicated, but in a much more general sense. If there was such a movement as early as 1820, it was a mere groping after the principle enunciated here. It was *not* 'introduced into the address in reply to the speech from the throne in 1828 or 1829' (see *Journals of the House of Assembly of Upper Canada*). It was not the issue between the Reformers and Head nor the subject of an appeal to the Home Government in 1835 (see ibid. and p. 340 seq. *ante*). While Baldwin correctly described the phrasing of the address carried by the Assembly by 53 votes to 2, the implication that it embodied the adoption of the principles expressed in this letter was a piece of special pleading that was hardly worthy of him (see p. 341 *ante*). He was driving hard for his great idea, and historical accuracy fell by the wayside.

to waste the energies of his master mind in an experiment of the failure of which I entertain not the slightest doubt, I feel that I should be criminal if I did not in terms the most distinct and unequivocal express my entire and unqualified dissent to any such experiment being made. . . .

'Your Lordship has been the first statesman to avow a belief in the possibility of a permanent connection between the colonies and the Mother Country.[1] . . .Your Lordship has gone farther, you have said that the connection must be preserved. I sincerely feel grateful to Your Lordship for this announcement. It will I trust put an end to the repeated references to the arrival of a time when these Colonies must cease to be a part of the British Empire which have not unfrequently proceeded from the very servants of the Crown. . . .

'If Your Lordship then after the solemn announcement of the great principle that the connection *must* be maintained can but happily succeed in giving us a system which by its own working shall tend to establish and strengthen that connection you will have indeed done a great public service to your own Country but you will have conferred a far greater benefit upon these Provinces. . . . Your Lordship must adapt the Government to the genius of the people upon and among whom it is to act. It is the genius of the English race in both hemispheres to be concerned in the Government of themselves. I would ask Your Lordship, would the people of England endure any system of Executive Government over which they had less influence than that which at present exists? Your Lordship knows they would not. Can you then expect the people of these colonies with their English feelings and English sympathies to be satisfied with less? . . .'

In this month of August Durham was confronted with serious difficulties. Sir John Harvey sent him from New Brunswick a confidential memorandum which indicated obstacles in the path of federation.

The 'British party' in Lower Canada was becoming impatient with Durham's tenacity in regard to that policy. They had expected to convert him to their idea of a legislative union of Upper and Lower Canada long before this.

At the same time distrust was developing among the

[1] Strangely as this statement may read to both Englishmen and Canadians to-day, and much as one distrusts such sweeping generalizations, it seems to be literally true.

French. They were not averse to Durham's policy of federation, and they continued to approve of many of his public acts. But it was known that in visiting Montreal both on the way to the upper province and on the way back he had spent a large proportion of his time in political conversation with the British leaders and that he was still in communication with them. On the other hand, his contact with the French leaders had been limited to dinner invitations and casual social meetings. They were somewhat stand-offish and in some cases, perhaps, inclined to sulk, but Durham could have secured their attention had he sought to do so. The fear was developing that he would fall into the hands of the British party, and the more impatient among them began to express discontent. Buller and Wakefield mixed quite freely with the French-Canadians and frequently discussed the political situation with their leaders. But Durham was the only one they trusted. Of Buller they knew little; of Wakefield they knew too much. If Durham's idea was to deal with the British himself, while Buller and Wakefield dealt with the French, it proved a failure.

Lafontaine was the key-man among the French-Canadians. As a young liberal he had been attracted by Durham's career in English politics. He had looked forward to Durham's coming with hope that bordered on enthusiasm. He had a deep respect for his character. He had written of him from England and from Paris in the highest terms. One cannot but feel that if Durham had himself gone to Lafontaine in that straightforward way of his, mutual understandings would have been developed. Instead of that Lafontaine was left to Wakefield, with some assistance from Buller. Lafontaine's attitude towards Wakefield was one of disguised, but constant, suspicion. He thought that he was trying to trick him. If Wakefield was not attempting to deceive Lafontaine, he was grossly disloyal to Durham. The latter conclusion is a difficult one because of the many evidences of Wakefield's personal devotion to Durham, a devotion of a peculiarly generous and unselfish type.

The relations between Wakefield and Lafontaine need not be described in detail here, except in so far as Lord Durham is involved. Wakefield stated that Durham knew nothing of

his unsuccessful attempt to see Papineau at Saratoga, and that he made no report to Durham on his conversations with the French leaders. 'I took several opportunities of solemnly assuring those whom I met that I had no mission from Lord Durham, or from any one connected with him; that I spoke for myself alone, as a well-wisher of theirs, who had a right to say and do what he pleased without reference to Lord Durham.' He added that Lord Durham never asked him 'a question about my intercourse with the French-Canadian leaders'.[1] Although Wakefield's statements are open to suspicion, these are probably true, in their literal sense at least. At the same time, Lord Durham undoubtedly was aware of the fact that Wakefield and Buller were meeting very frequently with the French, and he probably expected that they would in the course of time inform him of their impressions.

A few weeks later Lafontaine was to be further estranged by the harsh and haughty conduct of Buller and Leclerc in regard to the treason charges against himself and Viger in relation to the rebellion. Durham in a most unnecessary manner threw himself open to implications of at least a lack of generosity and conciliation. This matter also was left to subordinates and mishandled by them. Both the state of Durham's health and his absorption with the general situation made that necessary in most matters of administration, but that he should have permitted the Lafontaine and Viger cases to proceed the way they did shows that he was singularly blind in his failure to realize the importance of Lafontaine. In this he flew in the face of fortune, which had

[1] Letter by Wakefield to the *Spectator*, Nov. 25, 1838, in reply to an earlier letter by Roebuck dealing with the former's trip to Saratoga. Wakefield stated also in this letter that after he had had many conversations with Lafontaine and the other French leaders, he came to the conclusion that their policies were mistaken and decided to seek out Papineau and bring his influence to bear on the situation. Lafontaine in his letter to the press in the following January gave him the lie direct. He met Wakefield for the first time on July 10 (in Montreal), and on that occasion the latter asked him for a letter to Papineau, informing him that he had left Quebec with the purpose of seeking out Papineau, which he immediately did. Wakefield also stated that he had reported nothing which Lafontaine said to him to any one connected with the mission. Lafontaine stated that the first time he met Buller the latter had mentioned as one reason for the interview a statement which Wakefield had told him had been made to him by Lafontaine.

offered him a good start in Lafontaine's correspondence with Ellice. He was too ready to swallow what the 'British party' had to say about the dour and unconciliatory attitude of the French. He missed the hope for the future that lay in the French moderates. This mistake recurred in his famous Report; the fact that it did not seriously undermine that work of genius was due largely to the lofty statesmanship of Lafontaine himself.

The French-Canadians were further irritated by Durham's selection of Adam Thom as his principal Canadian adviser. Thom had been a schoolmaster in the north of Scotland. An acute mind and a brilliant, vigorous, violent, and occasionally scurrilous pen had brought him to the front in the new colony. He had been for some years the editor of the *Montreal Herald* and had vigorously championed the British cause against the French, notably in the *Anti-Gallic Letters*. He had retired from the editorship a few months before Durham's arrival to take up the practice of law, but he still had influence with the *Herald* and wrote for it on occasion. The fact that he had been their ablest opponent in the literary field had much, no doubt, to do with the antipathy of the French, but certainly if there was one Britisher in Lower Canada whose head they would willingly have had on a charger, it was Adam Thom. And this was the man whom Durham on August 25 appointed to co-operate with Kennedy on his Commission for Municipal Government, the first appointment in which he deviated from his rule of having nothing to do with the old parties. This was the man who henceforth acted as though he were the Dictator's minister, whom Durham permitted to speak as one inspired, and who was certainly consulted on every important problem.

If French feeling might be disregarded, there was much to be said for the selection. It was Wakefield and Turton over again. Durham wanted the best man, and took him. Thom showed an intimate knowledge of the whole political situation, a discerning appreciation of the real difficulties, and also an unexpected streak of liberalism that must have appealed to Durham, fatigued by the die-hard attitude of men like Moffatt and many of the Montreal merchant-leaders. Thom saw the disadvantages of their favourite

solution of a legislative union of the provinces, and was willing to afford appreciative consideration to Durham's plan of federation.

Much of the glory and tragedy alike of Lord Durham's life lies in the fact that counting the cost was not one of the things he did best. He paid too great a price for Adam Thom. French suspicions were now increased. Etienne Taché (later Prime Minister and Chairman of the Quebec Conference) was appointed to the Municipal Commission at the same time, but refused to act with the arch-enemy of his race. The French press attacked the Governor, although *Le Canadien* still urged the French-Canadians to be patient and not give up their high hopes in Lord Durham. However, the enthusiasm and eulogies of even *Le Canadien* were somewhat dampened from this time on. Not yet recovered from his illness, awaiting the next move in his quarrel with the British Government, Durham now saw that the French were clearly turning against him, and it was easy for a man of his temperament to think that it was through no fault of his, and to accept the interpretation that was being poured into his ears that the French were all intractable.

At the same time, in these closing weeks of August, friction was developing with Lieutenant-Governor Arthur and the Family Compact of Upper Canada. Arthur had shown a previous tendency to be jealous of Durham's powers, but his protests had been mild and his letters friendly.[1] In a dispatch of August 16 Durham informed Arthur that application for clemency had been made to him in the case of two political prisoners, Chandler and Wait, and asked for a report on these cases and all others in Arthur's hands. In reply Arthur stated that the pardoning power was vested in him during Durham's absence from the province of Upper Canada and characterized this action as 'depriving the officer administering the Government of Upper Canada of the powers expressly vested in him by the Royal Commission'. Durham in a dispatch of August 24 insisted on his authority and maintained that the Lieutenant-Governor's pardoning power was a power delegated by the Governor-General and to be exercised in subordination to the latter. He proceeded

[1] *D.P.* 3, i. 203, 930, 1023.

to question the wisdom of some of Arthur's actions, and several of his phrases had a sharp edge. The controversy was continued in a number of letters and dispatches, and Arthur referred it to his Executive Council, which supported him and drew up an imposing list of unfortunate consequences which would ensue if the Governor-General insisted on hearing appeals from the decisions of the Lieutenant-Governor. The matter is not of primary importance in the life of Lord Durham, but it added to the troubles that were piling up for him at the end of August and beginning of September, and dug deeper the chasm that separated him from the Tories of Upper Canada.

It was a sick man on whom these troubles in England and Canada were accumulating. He had felt sufficiently recovered to go to Montreal for the races from the 18th to the 22nd of August, but the trip prostrated him for several weeks. At Montreal he met 'Tommy' Duncombe, who had been a gentleman jockey at the Lambton Park races, a sensational bankrupt, a showy if not brilliant figure in the House of Commons which he was to startle at a later date by the presentation of the famous Chartist petition, at all times an enthusiastic member of 'Durham & Co.' Duncombe kept a diary. 'Aug. 21—Reached Montreal. . . . Joined Durham on the race-track where I found him in all his glory.' Just why Duncombe should have come to Canada to add his bankruptcy scandal to those of Turton and Wakefield it is difficult to discover. Durham selected the other two because they were the best men for certain tasks, but there is no evidence that 'Tommy' Duncombe did anything in Canada but prove an entertaining companion—he was always that—to Durham, Buller, Wakefield, and Turton. His talk of going to Canada to post Durham on the English situation is not convincing. He had expressed a desire to visit him in Russia. The diary runs: 'Aug. 26. Durham ill. . . . 27. Durham still ill. . . . 28. Durham better and dined at table. . . . Sept. 1. Went to sit with Durham; still very ill. . . . Sept. 2. Durham somewhat better. . . . Sept. 3. Durham too ill to appear. . . . Sept. 4. Durham attended the races.'[1] Lady Durham wrote to her mother on September 1: 'He has never recovered from the

[1] Duncombe, i. 250–3.

attack he had at Montreal and I have not seen him so unwell as he has been within the last few days since the winter at Petersburgh. Of course this disheartens him very much and I dread very much his prospects for the winter.' She refers to their return to England, which she hopes 'may take place early in the year'. In her journal she wrote that he was 'many days confined to his room' and that even after he went out 'he was still often ailing and a good bit worried by his anxiety for accounts from England. Several things had passed in Parliament which were far from satisfactory, and he became more and more doubtful . . . as to the manner in which the ordinances of June would be received and the support which he would obtain from the Government at home.'[1]

On August 25 Durham had written to Sir Willoughby Gordon: 'I am tired to death of my task and wish it were over.'[2] But the greatest light is thrown on his state of mind at this time by a long and remarkable letter written to him by Charles Buller, September 7. The handwriting of a draft of this letter, towards the end, bears the marks of Wakefield's co-operation, and it is a fair assumption that much of it was suggested by the latter. It is difficult to imagine the gentle Buller writing such a letter unless goaded on by the venturesome and aggressive Wakefield.

> 'Day after day I have gone to you with the intention of making you acquainted with the view of affairs which all those, who have your interests most at heart, concur in taking and expressing among one another; and every time I have been turned away from my purpose either by that despair of the ultimate success of your mission, which now frequently crosses me and makes me refrain from what I consider fruitless labour, or by getting alarmed at the effect which what I said seemed to have produced on your health. I will not, however, without an effort deliberately abandon myself to the former of these feelings: and an attempt must be made even at the hazard of temporary injury to your health, to rouse you from a state which threatens the worst consequences not only to your health, but to your reputation and happiness. I am the less tender of your health because no one can have observed you without

[1] Lambton MSS., Lady Durham to Lady Grey; Lady Durham's Journal, pp. 39–40.

[2] *D.P.* 6, ii. 111.

seeing that, be your bodily disorders what they may, the real cause of your sufferings is in your mind, and that you have no chance of recovery without raising yourself from your present morbid state of feeling. I should be wanting in the first duty of a friendship which, believe me, though of recent date, is very true and very strong, were I not to make an exertion to save you from a catastrophe, after which I believe in my conscience that you and your best friends will attach little value to the preservation of your health or even your life.

'You will think this exaggerated language. . . . You seem to think that if not properly supported at home and here, you have nothing to do but resign, and vindicate yourself by proving the withdrawal of the confidence which you regard as essential to your success. . . . But I think you must have had proof enough by this time of the utter ignorance of the public at home as to the affairs of Canada. They know nothing of the real nature of your difficulties; nothing of the causes which render the want of support, of which you have reason to complain, peculiarly embarrassing. . . . You have undertaken in time of danger, the maintenance of one of the most exposed defences of the Empire. The post was entrusted to you simply from the general confidence in you as the only person capable of maintaining it. . . . Why then do you suddenly abandon the post of honour and of danger? You cannot do this without accounting for it to most severe judges. And in proportion to the high hopes which a nation has formed of you, and the high trust which it has reposed in you, will be the fearful recoil of its unexpected disappointment, and the terrible downfall which you will experience from the noblest position ever occupied by any public man in England since the first Pitt. You have followed no ordinary path to fame and power. You have courted those high and daring enterprises, which end in triumph or political death. . . .

'You have been attacked by the Tories. Did you ever expect anything else? You,—who have been without any exception their deadliest enemy, who gave them the most fatal blow they ever experienced, and have ever held them up in the most unqualified language to public scorn and reprobation? . . . Depend upon it, the Tories hate you more than any man in England, because you have given them the most reason to hate and fear you. They will do everything to damage and ruin you in public estimation. It is natural that they should do so. Everybody anticipated it; almost everybody expected you to triumph over it. . . .

'The Ministers have not given you the support you had a right to expect. They have betrayed you.[1] But you will get little sympathy in England if you urge this as a mischief, which you did not foresee. Nobody ever imagined they had any love for you. Every one regards you as the most formidable rival or rather actual competitor that they have to dread. . . .

'Your line is to produce good measures in perfect assurance that they will produce good feelings and ensure you that amount of public confidence which may be necessary to give those measures a fair trial. This is the line you took when instead of throwing yourself into the hands of a party, you composed your Executive and Special Councils of persons representing no will but your own. By so doing you declared your intention of pursuing your own course careless of the opinion of parties here. This system has perfectly succeeded, as yet; all parties have acquiesced in it or rather approved of it. . . . But what is the dissatisfaction expressed towards you? Till within a month ago, you had every proof from every party, if not of confidence, at least of as confiding a disposition as the circumstances permitted. What public manifestations have you had of a contrary feeling? Nothing but the mere mercenary and insane blackguardism of a press which represents no one and guides no one. The people of England gave you despotic power because they thought you had courage, wisdom and justice enough to use it for this people's benefit, in spite of this people itself. And they will hardly believe that such a power has proved inadequate in consequence of the impertinences and slander of one penny and 2 half penny papers.

'My opinion is that the reasons which you regard as justifying failure or withdrawal from your charge will not be considered sufficient. . . . Imagine, for your imagination is fruitful in that line, taunts from the public press to which those which have hitherto produced an effect on you that I cannot comprehend, will have been mere trifles. Picture to yourself the delight with which you will be regarded by Ld. Brougham and Sir James Graham, the torture of having to be thankful for an exculpation by Ld. Glenelg, and the ignominy of being spoken of in the same category with Ld. Gosford. . . .

'Here you must conquer success in spite of the government and the opposition at home. You are Governor General,—you have your Special Council for Lower Canada. These are your

[1] This is not a reference to the disallowance of the ordinance, of which Durham knew nothing at this time. He considered that the Ministers had betrayed him on the Turton question.

means of saving yourself, and saving yourself by a success which will send you home incontestably the most powerful public man in England.

'When I turn from those feelings in your own breast the knowledge of which fills me with alarm, and look to the past acts of your government I find no reason to doubt the correctness of the most sanguine views which I have ever expressed or formed. I see no reason to doubt that by conciliating the United States, you have removed all immediate danger, and achieved more than half your task. Nor do I see any doubt of the correctness of the great principle on which at the outset you professed to me your intention of acting, . . . the principle of making this a thoroughly British province as rapidly as was consistent with the necessary regard for the feelings and present state of the French Canadians. It is in fact that of purchasing from them a concession of their bad usages and laws, in short of their nationality by great lenity and consideration towards them now that they are down in consequence of their late insurrection. . . .

'It is perfectly obvious that a very unfavorable change has been produced in public feeling in these provinces by the late debates in Parliament,[1] and the inference which is being naturally drawn from them, that you are not strong enough at home to carry your own policy into effect. . . . This effect you foresaw to be inevitable from the moment you read these debates. Your part was by all possible means to counteract this impression by showing yourself utterly unmoved, by allowing no abatement of courage or cheerfulness to attract public attention, by rather displaying increased energy and devotion to your great task. You have done exactly the reverse. You have allowed yourself to be more influenced by these debates than any are in the Province; you have formed an apparent determination to fret yourself until the next despatches arrive: in the meantime you feed yourself on anything next most harassing that comes in your way and worry yourself by reading blackguard attacks in the newspapers, and imagining even worse as likely to assail you hereafter; so that at last anxiety and mortification combined have acted so on your body as to produce your present state of health, and just now when your presence in public was most wanted, keep you at home or allow you to appear only as an invalid. This unfortunately has produced the worst results. In this little

[1] The debates on Turton and the constitution of the Councils.

town everybody speculates on your state and movements. Some exaggerate your bad health and represent you as in a very alarming state: others say that you are yourself making the most of your illness in order to have a pretext for going home. . . .

'The explanations which you have given of your plan for the constitution have been half understood and much misunderstood. The people here take it for Roebuck's plan, and neither party likes it. I think your own experience must show you that it requires reconsideration. Time begins to press: and no progress is made in this your most important work.

'The reforms you promised at the time of the amnesty have not yet been produced. I do not think they could have been. You have shown that you were engaged on some of them. But the public generally knows of no progress made, of nothing actually achieved. . . . The one great remedy is rousing yourself to a better state of spirits. If you cannot cease to think of the despatches which you expect from England, do nothing at least, I beseech you, to favor the notion that you attach much importance to them. If you entertain the idea of resigning, you should not tender your resignation in the first place to Mr. McGill. While there is even a chance of your remaining you must not act so as to mar your future policy. While you retain the title, do not abandon the functions of Governor General. Above all I implore you as I value your comfort, your dignity and your freedom of action, to pay no attention to the press. It cannot serve you either by guiding or warning you: its only effect is that of irritating; and that you can obviate by simply not reading any papers, in which you expect to find anything offensive.

'Your constitutional plan requires a good deal of reconsideration and amendment, and if you mean to do anything towards perfecting it, you must not delay it long. It is now quite in a state for discussion. Let us discuss it; and if any important alterations or additions are suggested, you will be able to set some one to embody them in it. . . .

'I have explained my views and feelings at great length. I have expressed them in a language of plainness—even of roughness to which you have not been accustomed from your friends, and which your first impression will be that I have no right to use towards you. But I know that you have too much justice, too much generosity to mistake the feeling which has prompted me to use it. I report to you the substance of what all your friends, all who have made your interests their own,

say in speaking of you; and which it is but just that one of them should say in speaking to you.

'I have more right than any one else so to speak to you, because I have more community of interest with you than any one else. I have left prospects of no little attraction at home, in order that I might follow you in what I trusted to you to find the path of a higher ambition. My position in public life was such as least that I could not leave it without its being asked whither I went. Others, if you succeed, may catch some rays of glory. I alone shall share the responsibility of failure. So much do I feel this, that I sometimes think that rather than return home after the failure of your mission, it were better that I should take my passage from New York with poor Turton, and hide my head in India. . . .[1]

'For I am convinced that on the course you pursue now depends your own honour and happiness—the welfare of this much injured people—and the preservation of the integrity of the British Empire. . . .'[2]

[1] This is not a spontaneous utterance of Buller's feeling. This paragraph stands in the draft in Wakefield's hand.

[2] *D.P.* 6, ii. 134 seq.

XX

THE STORM BREAKS. LAST WEEKS IN CANADA

While Lord Durham at Quebec, his pride wounded, and his health broken, was facing these difficulties, and contemplating resignation on account of what he felt to be constant betrayals by the Melbourne Government, Fate was preparing the stroke that was to break his administration and provide the setting for his crowning achievement. Lord Brougham had fallen from a great height and must regain it. For over a year now he had been intriguing with the Radicals on the one hand and the Tories on the other in the hope of humiliating the Government which had excluded him. He loved neither the Radicals nor the Tories, but he was willing to play a desperate game to win again a place in the king-row. Now, with the arrival in England of the Bermuda ordinance, he had his great opportunity. His legal eye seized on one clear flaw and a number of dubious points which could be magnified by his matchless oratory. Would the Government defend Durham? If it did, he had probably succeeded at last in finding an issue on which Radicals and Tories would unite to defeat it. If it abandoned its proconsul he would have brought it to its knees and greatly weakened its prestige. At the same time, he would get his revenge on Durham; he never allowed a grudge to escape him unpaid.

Brougham opened his attack on July 30. He called attention to the newspaper reports of an ordinance of Lord Durham's, 'which if the noble earl presumed to carry into effect, he would be guilty of no less a crime than murder'. His commission only permitted the Governor-General to make general laws. It did not empower him to sentence men to banishment without trial and declare them guilty of death if they returned to Canada, a procedure 'utterly at variance with the known and just and established law of this country'. Glenelg had little to say in reply except that it was premature, in view of the lack of information, to condemn the conduct of Lord Durham, who had gained the confidence of both parties in Canada. Lord Melbourne characterized such an attack on Lord Durham's authority as 'imprudent'

and 'unpatriotic' in view of the extent to which Imperial interests were affected. They should have confidence in Lord Durham, who had the best means of judging what was expedient in a most difficult situation.

While Brougham was preparing his case, the Government submitted the legality of the ordinance to the law officers of the Crown.[1] They reported, August 6, that 'so much of this ordinance as directs the class of persons therein first enumerated to be transported to Bermuda and be kept under restraint there is beyond the power of the Governor and Special Council and void; but all the rest of the Ordinance is within their power and valid'. After pointing out that by Act of Parliament of that year the Governor and Special Council enjoyed all the power of the Legislature of Lower Canada, and referring to the powers conferred on that Legislature by the Constitutional Act of 1791, the opinion continued:

> 'We conceive therefore that the old Legislature might have lawfully passed an act for banishing from the Province the first class of persons described in this ordinance, and enacting that if any of this class or of the second class should return to the Province without the leave of the Governor they should be deemed guilty of treason and being convicted thereof should suffer death. This could not be done by the proclamation of the Governor, but it is an act of legislation for which there are precedents in the Parliaments of Great Britain and Ireland. There is no pretence for saying that if this part of the ordinance really were put in force that the parties who suffer would be put to death without trial. Before they could suffer they must be indicted for having returned to the Province without leave of the Governor, which by law is made treason, and they could only suffer on being duly convicted of the offence laid to their charge. . . . With respect to that part of the Ordinance which is to be executed beyond the limits of the Province of Lower Canada, we are of the opinion that it would acquire no force by being confirmed by Her Majesty.'[2]

On August 7 the greatest parliamentary orator of that generation was ready with his main attack. It was a masterpiece of legal casuistry, but the part of it which dealt with

[1] See pp. 387–94 *ante*, for the content of the ordinance and the circumstances of its promulgation.

[2] *D.P.* 1, ii. 386.

expediency rather than law was weak. He stated that when Durham was appointed the Government had explained that his acts would be subjected to the careful scrutiny of Parliament. The substance of his legal argument, apart from the part of the ordinance relating to the detention of the prisoners in Bermuda, which the Government admitted to be null and void, consisted in the citation of English statutes of 7 William III and 25 Edward III in regard to treason, and the insistence that Durham had no power to convict men of treason without trial or to declare that to be treason which was not treason according to English law.

Lord Glenelg's reply was not a strong one, but he was never a powerful speaker. He attempted to show the difficulties of Lord Durham's position and argued that the ordinance had given general satisfaction in Canada. Lord Melbourne was embarrassed by Durham's failure to supply the materials for an adequate defence. (He did not even have the paper the prisoners had signed; Brougham could make what use he pleased of documents which the Government had never seen.) On the legal side he satisfied himself with citing the opinion of the law officers of the Crown. He treated Brougham's points as too trifling to justify an attack on a Governor who was deserving of more confidence than was being afforded him. Melbourne was always nettled where Brougham was concerned and could not refrain from a reflection on the patriotism of indulging party feeling and personal animosity in such a situation. To this Brougham replied with heroics about opposing arbitrary power, and a reminder that he had solemnly protested against the Act creating Durham's powers, and had promised that he would watch its exercise and guard against its abuse. 'And am I now, at the end of the session, to be told that personal feelings have a share in these observations?'

On the 8th Brougham introduced a Bill 'for declaring the true import' of the Act which had defined the power of Lord Durham and his Council, 'and for indemnifying those who have issued or acted under a certain ordinance made under colour of the said Act'. It declared that the Act in question did not confer the power 'to make any law or ordinance for altering or suspending the course of the

criminal law within the said province, in any particular case or cases, or for attainting or subjecting to pains or penalties, or otherwise punishing any person or persons not convicted by due course of law, or for declaring any person or persons not so convicted to be guilty of any offence for refusing to leave the said province, or for coming within the same, or for not returning within the same'. It indemnified against any prosecution which might be instituted for illegal action those who had advised and acted under the Bermuda ordinance. This Bill could be presented as a plausible way out of an obvious difficulty, but it was for the Government and for Lord Durham the most humiliating that could be devised.

It came up for second reading on the 9th. Brougham said that the prisoners had not confessed guilt. He repeated his contention that Durham had no power to declare that to be treason which was not treason according to the law of England, and laid special emphasis on a clause which on the suggestion of Sir William Follett had been added to the Act which had defined the powers of Lord Durham and his Special Council. This clause declared that they should not repeal, suspend, or alter any provision of any Act of the Parliament of Great Britain or of the Legislature of Lower Canada.

Lord Glenelg made a much stronger defence of the ordinance than on the previous occasion. He taunted Brougham with the fact that after all his diatribes he had stated in his Indemnity Bill that Lord Durham's ordinance was 'so much for the service of the public that it ought to be justified by Act of Parliament'. Since the matter of expediency was admitted, there only remained the question of law. The Constitutional Act of 1791 had empowered the Legislature of Lower Canada to make changes in the criminal law, and when Lord Durham was appointed no restrictions were made on that power. The Follett clause referred to had no relation to criminal law. It had been introduced specifically to protect clergy reserves, land tenure, and the maintenance of the Protestant religion.[1]

[1] Sir William Follett's speech when he suggested this amendment makes that quite clear. See *Hansard*.

Lord Lyndhurst felt sure that Lord Durham had acted from the best of motives. But they could not countenance anything in the way of illegality. The Government should disallow the whole ordinance. He discoursed at great length on the imaginary suits which the Bermuda prisoners would bring against Lord Durham and others. If this learned ex-Chancellor had spoken of polar bears which he had seen in the heart of Africa, it would have been no less fantastic, but it was no doubt pleasant exercise to the legal mind, and the fact that he was injuring the Government was as incense to his soul; the integrity of empire might well be overlooked as a trifling consideration. He renewed the old attacks on the composition of Lord Durham's Special Council, and before sitting down solemnly assured the House that Sir William Follett had told him that he had intended, in proposing his amendment, to prevent Lord Durham making any changes in the criminal law. That statement is of interest to us only because of its inconsistency with what Sir William had said at the time and Sir William's denial a few days after this debate that he had so much as thought of the criminal law. But the disclaimer was made after Lord Lyndhurst's statement had done the harm that it was designed to do.

Lord Melbourne urged that on account of the extraordinary powers which they had conferred upon Lord Durham he should be supported by an unusual degree of confidence. His powers were admittedly so great and his appointment had been so universally approved that to condemn him now on the basis of a legal quibble would make it appear as though they had laid a trap for him in a manner unworthy of the British aristocracy. He defended Lord Durham's action in appointing his Special Council from his own official staff as being in harmony with the statesmanlike policy of keeping clear, so far as possible, of the rival parties in Lower Canada. He boldly stated that to pass this Bill would mean undermining the authority of the Governor and the possible loss of the colony. All in all, and in view of his lack of information, for which Durham was solely to blame, Melbourne made a fairly strong defence. There were no lofty eulogies of Durham, but Melbourne, who was a sincere man, did not have them in his heart.

The Duke of Wellington, who had not yet taken part in the more severe attacks on Durham, made a spirited reply to Lord Melbourne's insinuation about a trap. If Lord Durham had got into trouble it was the fault of the Government and not the House of Lords. The House had given those large powers to a Governor who was to exercise them on the advice and with the consent of a Special Council. The Government had failed to issue any instructions as to the constitution of the latter. The Governor, taking advantage of that, had set up a shadow Council consisting of his secretary, his aides-de-camp, and a few other subordinates. And as a consequence they had this ordinance. It was clearly illegal and the indemnity was necessary. Men could not be banished without trial, nor could they be put to death for returning to the country.

The Indemnity Bill passed its second reading by a substantial majority, with the ministerial peers voting against it. Next day Melbourne announced that the Ministers were prepared to advise the Queen to disallow the ordinance. They cannot fairly be blamed for not sanctioning illegality. Since the ordinance was illegal in part, they must disallow it or attempt to pass supplementary legislation. They did not attempt the latter because they feared a defeat in the Commons. A small number of Radical votes added to those of the Conservatives would effect that.[1] The Ministers had probably known for some days that Brougham had planned his attack in conference with Roebuck, Leader, and other prominent Radicals, and that they were confident of the support of enough Radicals in the Commons to defeat the Government. But the attitude of the Conservatives as a party was not clearly indicated until the last stages of the debate. After the Government had surrendered, the declaratory part of the Bill was dropped and the indemnity stood alone. Brougham agreed to this reluctantly. He probably realized that he had won too much to imperil his victory by pressing it too far. A year's effort had yielded its harvest, and for the moment he tasted something of the power that had been his when he had held the fate of the Grey ministry in his hand and when he had sat in his 'hill-fort'. In moving

[1] For the general political situation see Chapter XV, *ante*.

the third reading of the Bill on the 13th he said that it should not be his part to provide an indemnity. 'However, as I have been *accidentally* mixed up with the business, I have no hesitation in moving the third reading of this bill, as it now stands, although quite sensible that I am making this motion on behalf of Her Majesty's Government.' Then when all were agreed to pass an indemnity, the reasons for which they could not agree on, the Lord Chief Justice rose to state that he doubted if the Bermuda part of the ordinance was illegal, and that he was convinced that the indemnity was constitutionally unsound.

It fell to Lord John Russell's lot to introduce the Bill in the Commons, a task for which his honest soul felt a repugnance which he could not conceal. He made a spirited *personal* defence of Durham. 'I ask you to pass this bill of indemnity, but telling you at the same time that looking at the conduct of Lord Durham as a whole . . . his zeal for the welfare of this country . . . I shall be ready to take my part with him in any responsibility.' Durham might have packed a jury but had been too honourable to do so; he might have transported the prisoners to a penal colony but had been too merciful to do so. In spite of any illegality or informality that might be discovered, Lord Durham in a most abnormal and difficult situation had pursued a 'wise and statesmanlike policy' and had 'reconciled the ways of mercy with the safety of the province'.

> 'If Lord Durham be able to impose tranquillity and good order without the infliction of the punishment of death and to re-establish a free constitution, not only unimpaired but improved,—he need care for no violence or invective, for no refinement of sophistry, for no bitterness of sarcasm, accompanied by professions of friendship, attempting to disguise but not succeeding in disguising the petty and personal feelings at the bottom of all these attacks, for he will have deserved well of his country, well of his sovereign and well of posterity.'

Leader revealed the temper of the extreme Radicals in championing Brougham and attacking Lord Durham. Sir John Campbell, on the other hand; deprecated the whole idea of indemnity, which was officious, insidious, and unnecessary

since no one would think of prosecuting. Sir William Follett made a lengthy speech which betrayed an amazing ignorance of what Lord Durham had really done, in the course of which he made the interesting admission: 'I can assure the House that I had no intention of fettering the Governor with reference to the criminal law. I had not the subject in my mind at all.' Lushington, himself one of the best lawyers of the day, cited the divergent legal opinions stated in the debate by the Lord Chancellor, two ex-Chancellors, and the Lord Chief Justice. If any one of these was right, the others must all be wrong, from which it followed that if Lord Durham had been assisted in the preparation of his ordinance by the most distinguished legal talent in England, he would probably have produced something to which much more exception would have been taken.

The Government had been placed in a difficult position from the time that the law officers of the Crown declared that the part of the ordinance relating to Bermuda was illegal and that no ratification of theirs could remedy that. Some action had to be taken. Lord Durham's authority could have been fully sustained by the passing of an Act of Parliament supplementary to the ordinance. But the Government had no more chance of passing such an Act than it had of defeating Brougham's Bill. A considerable number of the Radicals were sure to vote against such a measure in the Commons, and if the Conservative party took a stand against it, it would be defeated in either House. In any case the Commons must be faced—sooner or later—and a defeat in the Commons would finish the Government. If they had been willing to put justice to Durham and the Canadas first they would have invited defeat on that issue and appealed to the electorate. But Melbourne refused to sacrifice his government for the sake of a far-off colony or of a man whom he had always disliked, who had treated him cavalierly and who in this instance had withheld the information essential to a strong defence. And politicians in power have a way of convincing themselves that a change of government is the greatest of national calamities. So he refused to introduce such legislation or to fight Brougham's Bill in the Commons. He played for a compromise. If the Government sacrificed

Durham and the interests of Canada, it did so to save its own life. It did not, as it has been accused of doing, weakly surrender to the criticism of the Lords. At the same time, we may agree with Lord Grey's statement in a private letter that neither he nor Althorp would have acted as Melbourne did. Either of them would have fought to the last and found honour in defeat.

Through all of this the sympathies of the public went strongly with Lord Durham. Realizing this, the Conservative press taunted the Government with a heartless betrayal of him, and the ministerial press, for the most part, attempted to throw the blame on Brougham and the Tory lords. *The Times* said:

> 'True to their base and selfish instincts, the time-serving Whigs, in deference to whom the noble Earl had at great personal sacrifice placed himself in the van of their Canadian conflict, have at the first shot deserted, dishonoured, and dismissed him, . . . finding their cabinet to be in dangerous waters, they have flung him and his ordinance overboard in order to save themselves.'[1]

The treatment of an individual was not the most serious feature of the situation. The Canadian newspapers were to describe that clearly enough a few weeks later when the news reached Canada. The integrity of the Empire and the very life or death of Canada was dependent on the shifting alignment of political parties at Westminster which represented phases of opinion on British questions but which did not reflect any comparable body of opinion on Canadian questions. Nothing could make that clearer than what had just occurred. Some way must be discovered of terminating that situation for all time to come. Canadian politics must determine Canadian issues. Lord Durham, although he felt the personal wrong with all the sensitiveness of his temperament, saw that and acted accordingly.

We have left Lord Durham reading Charles Buller's long frank letter of September 7. On the 10th he heard of Brougham's initial attack on the ordinance and by the 13th he knew something of the early stages of the debate in both

[1] *Times*, Aug. 29, 1838.

Lords and Commons.[1] But he knew nothing of the disallowance—nor had he the least suspicion that the Government would think of such a thing until he read of it in an American newspaper on the afternoon of the 19th. The circumstances are described with dramatic simplicity in Lady Durham's journal.

'Wednesday, 19th.—A day I can never forget! We went a longer drive than usual, crossing a ferry over a small stream beyond Cap-Rouge, continuing along the banks of the St. Lawrence to Lake Calvaire and returning across the country by the St. Fois road. We were a merry party—the children, Charles and Caroline (I think) and Mr. Buller, enjoying the little adventures and difficulties of crossing the ferry, laughing at Mr. Cavendish and his drag following us—and delighted with the beauty of the scenery. As we returned we saw from the heights the steamer from Montreal, arriving with the post and bringing with it, tho' little did we guess it, the intelligence of those events whose fatal consequences, we were, alas! so far from anticipating. We had returned late from our drive and it was time to dress for dinner when we got in. Before I was ready, he called me into his room and I could see that something unusual had occurred. He had received a bag with letters and dispatches from England—containing the account of the *reception* of the Ordinances, with private letters from Lord Melbourne, Lord Glenelg, and others, rejoicing over the manner in which the difficult affair of the prisoners had been settled, and bidding him "go on and prosper" with other expressions of unqualified approbation—there was also a letter from the Queen to me, in answer to those we had written on her Coronation day expressing her thanks and her satisfaction at all that was going on.

'If the steamer had only brought this bag from England what could have been more gratifying than these communications! but a New York paper with later intelligence from home reversed all these visions of success and happiness—it contained the account of the proceedings in Parliament!—the disallowance of the Ordinances! and as it proved, the doom of his fate. I can well remember now the feeling of consternation which came over me on first hearing the news, and then of grief for him, and indignation and bitter resentment towards those who had so cruelly betrayed him. He said but little, but I was only

[1] Lambton MSS., Lady Durham to Lady Grey, Sept. 13, 1838; *Quebec Gazette*, Sept. 10, 1838.

the more unhappy, and when he finished his dressing and went with little delay to dinner, behaving as usual, my heart ached as I looked upon him as he sat opposite to me, and I thought of the feelings which preyed upon his mind.'[1]

Buller too had vivid memories of the event and its immediate consequence:

'I well remember what we saw, and how we talked, and how we laughed under the bright Canadian sky on that fine autumn day. As I was walking back from the carriage to my lodgings some one told me the news in general terms, but I supposed it to originate either in joke or in mistake. . . . When I got into the carriole to go with Mr. Turton to dinner, he told me that the report was quite true, and when I arrived at the house Lord Durham sent for me, told me the news, and almost more by manner than words, let me know that his mind was made up to resign his government.'[2]

Durham probably turned from the news of his betrayal by the Government to read—or read again—the letters of the Prime Minister and the Colonial Secretary.

Lord Melbourne had written, July 28:

'I am most obliged to you for what you have written to me [about the ordinance] which is most distinct, clear and satisfactory. I have not time to do more than to acknowledge it—I have nothing to express but the most entire approval and concurrence. I am very happy to hear that you have settled the very difficult affair of the prisoners and settled it so well. We must deal with them as well as we can at Bermuda. I understand some difficulties may be apprehended. Your ordinance will have no validity nor confer any power there. . . .

'You are quite right in making use of your present power to introduce as many good laws as you can. . . . There can be no doubt of the feeling of satisfaction that prevails in the province—It must be like a sudden transition from the discord of Hell to the peace of Heaven. . . . A strength which at once puts down all parties is naturally agreeable to all.

'Make a constitution, but for God's sake make one that has a chance of working. All colonial assemblies, it appears to me, are always resisting to the extreme of their power, and if they do this, they necessarily further their own destruction. . . .

[1] Lady Durham's Journal, 40–2.
[2] Buller's *Sketch*, p. 359.

Affairs must go on, and if they cannot go on with the assembly they necessarily proceed without them.[1]

'Adieu! My Dear Durham. Remember me to Lady Durham and believe me

Yours faithfully,
Melbourne.'[2]

Lord Glenelg's letter was written July 31, the day after the attack on the ordinance was launched:

'You will see by the papers that our old enemies attacked your ordinance and proclamation last night. These attacks are after all impotent in this country. I trust they may be equally harmless in the colony. All reasonable people here approve your conduct. My colleagues and I entirely approve—our opinion is that, although there may be some legal inaccuracies of form, the substance is entirely right and the result satisfactory. You have solved a very difficult question most judiciously and ably, in a way at once merciful and just, and equally grateful to rival parties and impartial judges. I congratulate you on this—and on the confidence which, I hear on all sides, all classes in Canada repose in you. Go on and prosper. . . .'[3]

After writing thus, Melbourne and Glenelg had remained silent for fourteen days (Durham as yet knew not how long), and allowed him to read the story of their disallowance of this great healing measure in an American newspaper!

While the Dictator—who by virtue of this action was dictator no longer—held his wrath in check and fretted his sick body at the Chateau, the news spread through the narrow streets of the ancient capital. Men recently wakened from despair lost hope again. 'The most violent language was openly held in the streets. Separation from England was talked of, and it was said that it would be better to be connected with the United States than with a country that was so reckless of the interests of its colonies.'[4]

[1] Lord Durham's recommendation of Responsible Government exactly meets this difficulty. This letter provides further evidence that that solution had not yet occurred to the British Government.

[2] Lambton MSS. There is an extract (the part relating to the ordinance) in *D.P.* 1, ii. 231.

[3] *D.P.* 1, ii. 232.

[4] Lady Durham's Journal, 42. The account is saturated with personal feeling, but when checked by other sources, Lady Durham is found to be

Lord Durham had told Buller that night that he would resign. Next day he wrote to Sir John Colborne that immediately on receiving official intimation of the disallowance of the ordinance he would tender his resignation, returning to England as soon as possible. Since the administration would devolve on Colborne as senior military officer he was giving him timely notice.[1]

That day, the 20th, the Governor and his party went for an excursion on the *Medea*, but the Chateau was besieged by crowds who put down their names as a token of esteem and an indication that they shared Lord Durham's indignation at the action of the British Parliament. It was said that during this and the following day this action was taken by every respectable British inhabitant of Quebec. On the night of the 21st Durham went to the theatre. The house, usually poorly attended, was packed, and they gave Durham a remarkable ovation.[2] This was the Reform struggle again! once more he was the leader of revolt—steady, constitutional, but nevertheless revolt against an outworn system of government that permitted British politics to paralyse Canadian progress. The new system of Canadian self-government was already forming itself in his mind, but his own experience was lending force and feeling to his vision.

On the 22nd the delegates from the Maritime Provinces presented an address to him, expressing gratitude for his personal kindness, confidence in his administration, and a desire that he should not resign. In the course of a formal reply, he said: 'I have been arrested by the interference of a branch of the English Legislature, in which the responsible advisers of the Crown have deemed it their duty to acquiesce. Under these circumstances, I have but one step to take: to resign that authority the exercise of which has thus been so weakened as to render it totally inadequate to the grave emergency which alone called for its existence.' He assured them that his interest in and efforts for their welfare would remain unabated.

remarkably accurate in her statement of facts and, in view of what followed, the probabilities are all in favour of this statement.

[1] *D.P.* 3, ii. 694.

[2] Lady Durham's Journal, 43–4; Duncombe, ii. 256.

That much certainly occurred. But the story goes that in a more informal speech he expatiated on his personal wrongs; he had expected such treatment from Lord Brougham but 'he was compelled to say that *he had been put down—sacrificed by his friends*!—those whose duty it was to stand fast in his defence, at a period when his personal enemies were using their utmost efforts to destroy him'—here he was so moved that he had to retire from the room; after a few moments he returned, apologizing for the display of feeling and proceeded. This story has always been adverted to in accounts of Durham's resignation. It is undoubtedly a good story, but it is pure fiction. It was invented—or too hastily accepted—by a travelling correspondent of the *New York Commercial Advertizer*,[1] was printed in New York, and went the rounds of the Canadian papers. But the *Quebec Mercury*, which was recognized as being in a special manner the organ of the administration, denied it in the following terms:

> 'We are authorized to state that it is, incorrect in many particulars. His Excellency used no such expressions as are imputed to him with regard to his friends in England; nor was he under the influence of any such emotions as are described. His Excellency felt very grateful to the deputation for their warm and friendly address, and, we doubt not, evinced that feeling by his manner previous to delivering his reply. His short speech subsequently delivered neither called for nor produced any particular expression of feeling beyond the earnestness which naturally pervaded the tone of what he said.'[2]

As happens so frequently, the denial was lost and the story lived.

The Lower Canada newspapers, without an exception, supported Durham and bitterly attacked the British Government. The *Quebec Gazette* stated that a prospect dark enough before was rendered gloomier than ever. 'We see in the conduct of those noble lords who supported Lord Brougham's bill, either an utter ignorance of the state of the Canadas, or worse, a disregard for the preservation of this important portion of the Empire.' The *Montreal Herald*, the organ of

[1] *Cobourg Star*, Oct. 3, 1838. [2] *Quebec Mercury*, Oct. 18, 1838.

the extremists of the British party, described the situation bluntly. 'The Canadas appear to be a trump card in the hands of the political gamblers in the Imperial Parliament.' The *Montreal Gazette*, representing the moderates, said: 'We cannot conceive how any man of high spirit could submit to the utter degradation of serving a government who have neither the power to support him in the exercise of his public functions, nor the courage to defend him and themselves from the factious insults of party politicians or the more infamous inroads of personal and jealous enemies. . . . It is therefore no wonder if the Earl of Durham has resolved upon abandoning the future administration of the affairs of these provinces.' The *Populaire* reminded its French-Canadian readers that while nothing that had been done under Colborne had been declared tyrannical or illegal, 'the only act that was practicable, the only act which could have sheltered the greater number by inflicting a light punishment on the few, is declared null and void'. It urged Lord Durham to 'breast the storm'. If he throws up the game his political career will be destroyed, and that, no doubt, is the aim of his enemies. *Le Canadien*, leader of the French-Canadian press, said: 'The proceedings of the House of Lords have thrown all classes of society into a turmoil of anxiety, of which our history, fertile in events palpitating with interest, can offer few parallels. Every one can feel, touch, see, the disastrous consequences which have been prepared in Canada by noble Lords sitting tranquilly in their comfortable senatorial chairs, who have transformed the Canadian question into a plaything or weapon of party. . . . A political adversary, powerful and dangerous to them, placed in an exceptional position, finds himself, on account of acts of a similarly exceptional character, taken on the flank by men who pretend to judge him as if he were in an ordinary position. To profit by the disadvantage at which this man is placed by attacking him may compromise the peace and integrity of the Empire. That is a matter of no consequence; here is an adversary, a redoubtable competitor in the struggle for power, and cost what it may, one must attempt to defeat him, to destroy him.' *Le Canadien* concluded by urging that every possible public demonstration be made to persuade Lord Durham to remain.

The Upper Canada press were as outspoken and as unanimous. This was the only occasion in the troubled history of these years in which all groups and parties (except the friends of Mackenzie and the Nelsons, the few who were planning a second rebellion) were united in a common feeling. The news of the disallowance of the ordinance reached Toronto, through American channels of communication, almost as soon as it reached Quebec, and the leaders of the Family Compact did not lose a moment in sending their heartiest expressions of sympathy and support to the statesman whom they had always feared and were already beginning to hate. Among these Archdeacon Strachan was particularly cordial and appreciative.

On the 21st Colonel Fitzgibbon, hero of 1813 and 1837, issued an appeal to the loyal inhabitants of Upper Canada to be ready in case the action of Brougham and his allies encouraged the rebels to another effort. This he sent on to Lord Durham with the following message written on the back: 'My Lord, Do not abandon us. It will be, I humbly think, more noble to stand by us until you shall have accomplished your labours, than to return and punish the unworthy men who assail you. An old Soldier.'[1]

On the 22nd, Lieutenant-Governor Arthur, dropping his controversy, and putting behind him all sharp words on both sides, wrote as follows:

'My dear Lord Durham,

Your Lordship has, I am aware, such a pressure of business upon you that I most reluctantly trouble you with a private note; but, conscious as I am, of the depth of anxiety which you have manifested in the great objects which have induced you to undertake the Government of Her Majesty's North American Possessions, and of the solicitude which Your Lordship has felt to restore stability and security to these tottering provinces, I cannot see you so unjustly assailed as you have been by Lord Brougham without expressing the deep concern I feel, in common, I believe, with all classes of persons on this occasion. . . .

'There was not, I will be bound to say, one individual in these provinces who ever thought for one moment that it was

[1] *D.P.* 6, ii. 201.

Your Lordship's intention to visit Papineau or any of his gang with death—every one saw distinctly the end Your Lordship had in view, and the difficulty you had in accomplishing it, and were disposed to look at Your Lordship's ordinance accordingly. The silence of the whole press is a remarkable proof of this.

'The first impulse of Your Lordship's high spirit will be to resign; but I do trust you will not yield to it. The people in both provinces ought immediately from every district, to send in addresses to Your Lordship and I hope that the citizens of Toronto will, at once, lead the way upon which subject I have just been speaking to Mr. Ellice.[1] A measure of this kind is very necessary to remove the injurious impression that may be made upon the disaffected portion of the community by the disallowance of the Ordinance. It is not to be disguised that we are in a very critical position.'[2]

Four days later Arthur sent on to Durham a copy of the resolutions to be moved at the public meeting in Toronto and the resolutions and address to be proposed at Cobourg.[3] Similar meetings and addresses were by this time being organized throughout both provinces.

On the evening of the 25th, Lord Brougham was burned in effigy in the Place d'Armes. A large crowd gathered for the event and, although there were angry mutterings against Melbourne and Glenelg, Brougham was the only victim. A week later, in Montreal, the tragedy was more elaborately staged:

'Two transparencies, each six feet by nine, were mounted on a carriage and drawn by some jackasses, and followed by a transparent coffin, borne by pall-bearers, who carried lighted torches. On the coffin the word "Brougham" was painted. One of the transparencies represented Lord Brougham seated on a jackass, with his face to the animal's tail, an imp of darkness leading the ass and exclaiming, "Come along, old boy!" while his Lordship says, "I protest against the legality of this ordinance;" and a second devil, who has a hold of the ass by his tail answers, "Protest, and be d——d". A fingerpost, stuck up at a short distance, having on it the words 'Road to Hell". The other transparency represents his Satanic Majesty as having fastened a cord around the necks of the

[1] Edward Ellice Jr., Lord Durham's ex-private secretary and son of 'Bear' Ellice. [2] *D.P.* 3, ii. 701. [3] Ibid., 705.

three Lords [Brougham, Melbourne, and Glenelg], and hauling them to their appointed place, very much against their will. His Majesty says, "No mistake; you must come". These two transparencies form the sides of a box, on the ends of which is painted, "Thus may the enemies of British interests perish". . . . Lord Brougham and his noble fellow traitors were publicly hanged and burned in effigy, amid the cheers of thousands. . . . We had almost forgot to mention, that Lord Glenelg was represented as asleep.'[1]

One wonders what were the thoughts of Durham while Brougham was being burned on the Place d'Armes. Did his mind travel back to the friendship of early years when Henry Brougham had comforted him and drawn him back to politics after the death of his young wife, their battles side by side in the Commons, their electioneering in Westmoreland, the gay days that followed at Lambton, their standing one by the other in the face of an impending duel, that day in the Lords when he had introduced Brougham as his friend and the Chancellor of the realm, that other day when they had sat side by side as Commissioners declaring the Reform Bill the law of the land, their two names the most beloved among statesmen in the homes of the people; and then the drifting apart, the clash at Edinburgh, the stormy days that followed?—and now thousands of miles away in this new country, out there in the public square thousands who knew scarcely more of Brougham than his name were hissing and cursing it as the epitome of all that was vile, because of what they deemed a treacherous attack upon himself and upon them. Whatever he thought, his lips were sealed. In these weeks when his friends on both sides of the sea were raging against Brougham, he, the man of pride and temper, spoke no word against him. Personal feeling was already buried in a passionate cause. From this night to the night of his death twenty-two months later, he discussed publicly no aspect of this conflict but that which had been forgotten by the mother of parliaments—the future welfare of Canada.

When men had cursed the borough-mongers and reached out their hands towards fire and sword, he had framed the

[1] *Montreal Herald*, Oct. 4, 1838.

law that had set Britain on the road to popular government. What appealed to him now was not the wrathful indictment of individuals, whoever they might be, but what lay back of it in the desire and right of the Canadian people to govern itself. The plan was already shaping itself in his mind, and thanks to Brougham, whose effigy the crowd was burning, a dramatic situation was being created in which the whole British world was looking on in fever-pitch of sensation. Durham possessed not only the genius of far-flung vision but that ability to play up to a dramatic situation—partly consciously, partly unconsciously and spontaneously as out of the very essence of his being—which at every turning-point of history some outstanding individual has exerted.

Durham knew what all this meant—these glowing epistles and public meetings, resolutions, addresses, burning of Brougham and carting of Melbourne, all Canadians except last year's rebels united for once in a common feeling. It was not universal love for him, although there was a heartfelt sympathy and a deep respect; he could have no illusions regarding Strachan or even Arthur, good-natured as they might be for the time being; nor had hundreds of others grown affectionate over-night. It was because the Parliament and Government of Great Britain, playing their party game, without thought of Canadian interests, had reached their hands across the seas and overturned the policy of the government of Canada in such a manner as to threaten its peace and its future. It was an expression of *Canadianism*, in which all these discontented groups could unite. And not Canadianism only, but that deeper understanding of British interests which was ultimately to enable the Canadian people to give to the world the finest and most effective blending of nationalism and imperialism.

To many it seemed, and to many students of the situation it may still seem, as though the remarkable unity supporting Durham at this time should have decided him to yield to their petitions, refuse to resign and build on this situation that permanent unity which he had come to desire as ardently as the most intelligent Canadian patriot. But the fact that Durham could not get away from was that the source of power was at Westminster. With these tricks

already won and all the trumps still in their hands, Brougham and his allies would never throw up the game. What had happened in August would happen again in October and November, and there was no limit to the number of his acts which might be disallowed. The Melbourne Government possessed no courage adequate to the situation, even if such courage could avail. There can be no questioning the sincerity of the refrain that ran through all Durham's dispatches, letters, and speeches of this period—his 'authority' was 'undermined'. What the Canadian people needed most was a generous measure of self-government. Given that, national unity and other developments would follow. That was the larger issue of which this incident was but a part. And that issue must be settled at Westminster.

It was on the day that Brougham was burned in effigy that Durham committed himself irretrievably by writing to the Colonial Secretary that he had decided to resign. His first impulse, communicated to Buller on the night he heard the news of the disallowance, was perhaps one of pique and anger, and a similar fit may have been on him next day when he wrote to Colborne. But he waited six days before he wrote a word to the British Government, and when he did so he expressed the result of a process of cold reasoning applied to the Canadian situation. He wrote in a spirited style which always characterized his utterances, but the words are not those flashes of wrath which he had been wont to release on his colleagues in the Cabinet. In view of our description of the situation, his statement of his case need not be recounted here. The ability displayed in this dispatch of the 25th and those of the 26th and 28th was recognized by the very men whose actions he criticized. In their private correspondence they conceded that high praise that Durham's writings always elicited.

Durham did not send off these dispatches until he had received Glenelg's official notification of the disallowance of the ordinance. He accompanied them by a private letter to Glenelg.

> 'I am bound to tell you privately that I never could have anticipated the possibility of such treatment as I have received. Having succeeded, far beyond my most sanguine hopes, in

restoring tranquillity and inspiring confidence, all over the Continent of North America, I little expected the reward I have received from home,—disavowal and condemnation. . . . In these circumstances I have no business here—My authority is gone—all that rests is military power, that can be better wielded by a soldier, and Sir John Colborne will, no doubt, do it efficiently.

'I shall appear in Parliament not to defend my conduct, for it needs no excuse, but to expose the cruelty, injustice, and impolicy of those who have trifled with the best interests of these Colonies for purposes of personal enmity or party hostility.

'As soon as I can make the necessary arrangements, I shall deliver over the government here to the Administrator and return by the United States, where I hope my influence (which permit me to say, is apparently greater than in the House of Lords or the Cabinet) may be beneficially exerted for the purpose of confirming and extending those friendly feelings towards England, with which I had, at some labour, succeeded in inspiring them.'[1]

His health did not improve, and two days later he was again confined to his bed.[2]

There is little historical value in discussing whether the circumstances justified Lord Durham's resignation. What is really important historically is that if he had not resigned and returned to England, his Report would not have been as effective and would probably never have been published except in a very mutilated form. In all probability it would have been further buried under a decided administrative failure. Durham's relations with the Whig leaders, his temperament, and the doubtful character of his administrative ability would all have militated against his succeeding for any length of time as Governor of Canada.[3]

But the readers of a biography may be interested in knowing the attitude of his friends and advisers towards his resignation. It was very much divided. Many who had signed the innumerable monster petitions from all over the country asking him to remain may have questioned the

[1] Q. 247: 222–4, Sept. 29, 1838.

[2] Duncombe, ii. 257.

[3] I am indebted for this view originally to Professor Egerton's Oxford lectures. My research has confirmed and strengthened it.

wisdom of his doing so and regarded the petitions rather as a demonstration. There can be no doubting the fact that the three Lieutenant-Governors who wrote to him all felt that the resignation was a mistake, much as they sympathized with his feelings. Governor Arthur's letter has been quoted already. Sir John Harvey, who had developed a real affection as well as a respect for Durham, wrote from Fredericton a most friendly letter, lamenting the whole incident and expressing his fear that it might be fatal to British connexion, but also clearly regretting Durham's decision. Sir Colin Campbell wrote frankly from Halifax to Lord Durham and to Colonel Couper condemning the intervention of English party politics and wishing that something could be done to persuade Durham to remain until the spring. The press, with a few exceptions, urged him to remain. One of the Catholic clergy made a similar appeal in a personal letter marked by patriotic fervour.[1]

Joseph Parkes added a characteristic contribution, from a Radical viewpoint, which Durham could not adopt.

> 'Every real and well judging friend you have here, holds but one conversation—"We hope Lord Durham will not be driven by false friends or Tory enemies into the pit fall dug for him—resignation." . . .
>
> 'I am still decidedly of opinion that you should if possible complete your plans by Christmas and appear in Parliament to advocate them. Whether they pass the Legislature of the Mother Country or not, whether they are rejected or modified by the Ministry or be thrown out by the Tories in the Lords, matters not, provided the Liberal Public approve them; . . . Faustus concocted all this abominable attack on the Ordinances at Leader's house with a Cabinet of Roebuck, Falkner & Co. Molesworth I hear would be no party to it. . . . Lay down the keel of a good representative system and elective municipalities, and then let the Colony go to the devil its own way. It will inevitably and beneficially ultimately outgrow the authority of the Mother Country—notwithstanding you, your Ordinances and schemes of Government. All you have to do is to prepare the *launch*.'[2]

On the other hand, Lady Durham stated that all of those who were closest to Lord Durham at the time were

[1] *D.P.* 3, ii. 748, 846, 877; 6, ii. 228. [2] Lambton MSS., Aug. 16, 1838.

convinced that resignation was the wiser course.[1] This, we know, included Colonel Couper, the military secretary, who had a considerable knowledge of Canada through previous residence, and it included Sir John Colborne and Adam Thom. The latter told McGill that 'His Excellency could, under existing circumstances, do more for the country by going home than by remaining here'.[2] Sir James Macdonnell, Commander of the Guards, thought that resignation was the only possible course.[3]

In a letter to Lady Durham, which showed that his father the 'Bear' had not exhausted the shrewdness of the family, Edward Ellice, Jr., who had come out to Canada as Lord Durham's secretary, and was now living on his father's seigneury at Beauharnois, took the same position. He stated that many agreed with him that it was a good thing Lord Durham was going home.

> 'I am convinced that the moment the other measures of local and immediate interest were disposed of, the whole community here, French and English, would immediately commence a system of attempted bullying and intimidation (which, though without effect, would be most annoying) to carry into effect their secondary objects, all self-interested ones, and no three people agreeing cordially on any one point, except that of opposing a just and impartial settlement of their several differences. Lord Durham will now leave this country the most popular Governor that ever ruled it, and the situation in which he has been placed by his attempts to bring about a peaceable state of things, and do justice to all parties, will be most fully appreciated by every inhabitant of it, without distinction of race or origin. . . . All this cannot fail to give his opinion in Canadian affairs both here and at home far greater influence than it would otherwise have had, especially as it will now come from a disinterested Peer of England and not from the Governor of Canada.'[4]

The Melbourne Government more than half expected Durham to resign. On the very day they notified Durham of the disallowance, they wrote to Colborne urging him not

[1] Lady Durham's Journal, 43; Lambton MSS., Lady Durham to Lady Grey, Oct. 11, 1838.

[2] Ibid., Lambton MSS., Lady Durham to Lady Grey, Oct. 11, 1838; *D.P.* 6, ii. 220, Thom to Buller, Sept. 27, 1838.

[3] *D.P.* 6, ii. 347.

[4] Lambton MSS., Oct. 2, 1838.

to abandon his post as he had intended doing.[1] On August 9, in replying to Brougham's attack, before he had surrendered to him, Lord Melbourne himself had said in the House of Lords: 'The disallowance of the Ordinance would be destructive of the moral effect of the noble Earl's government and almost the same as pronouncing the termination of his connexion with the colony.'

The two men who were closest to Lord Durham in Canada, Charles Buller and Charles Grey, his brother-in-law, both felt that, with much to be said on both sides, their advice to him to persist in this decision to resign was rendered inevitable by the state of his health. Buller wrote, in his sketch of the mission two years later:

> 'Without surmising the real nature or extent of the mischief, I saw that Lord Durham's health was fearfully affected by all that had passed. Such a degree of nervous agitation did his disease produce, and such a reaction of that agitation on his bodily health was constantly going on, that it was evidently impossible for him to bear up against the anxieties and labour of his government under existing circumstances, and display that energy and promptitude of decision which had so eminently distinguished him when his health was better. I felt convinced —and unhappily it is now too clear that I was likely to be right—that Lord Durham's life would very soon have been the sacrifice for his continuance in Canada, even for two or three months, and that at any rate he was liable to have his energies impaired by illness at moments in which any relaxation of them would have been fatal to success. I lamented his resignation then: I deplore it yet more deeply now; but I approved of it then, and approve of it now, as an act done in compliance with a stern and sad necessity. *I must not be understood as admitting that his return home was calculated to injure the interests of the Province*; on the contrary, I still think that in the difficulties then impending the preservation of the Province was more *safe* in the hands of Sir John Colborne than in those of Lord Durham, weakened as they were by the repeated proofs of his being unsupported at home. *It is for his own sake*—for the sake of the influence which his continuance in his government under such circumstances would have ensured him—and for the sake of all the strength that would thence have accrued to the popular cause at home, *that I regret that the state of his health*

[1] *D. P.* 6, iii, 251.

compelled him to abandon this chance of fame and power, and that even this sacrifice came too late to avert the blow which disease had already struck.'

Charles Grey wrote to his father, September 30:

'For himself I could not advise him to stay. I really think it would kill him. I never knew a man so affected by the attacks upon him both in Parliament and the newspapers, and his mind works upon his body to a degree that is quite fearful. . . . The feeling in this country, as far as he is concerned, is certainly most satisfactory and flattering to him. . . . He obtained their confidence, to an extent, I believe, never before reached by any governor. . . . He certainly had been very diligent in endeavoring to obtain every possible information respecting the country.'[1]

That, however, was not Lord Durham's own reason for his action. He probably never gave a thought to it. He seldom, if ever, considered his health when there was a pressing call for public service.

In the meantime the mass meetings, protesting against Lord Durham's treatment at home, lauding his administration and urging him to remain, were being held in all parts of the country, and every day brought to Quebec another sheaf of the monster petitions embodying these sentiments. The petition from the City of Quebec bore over four thousand signatures on twenty-four sheets of parchment, and its presentation was made the occasion of a great procession and a meeting which was described as the largest ever held in Canada. Lady Durham and her family were present and shared the honours. In her letters home she spoke of it with the utmost gratitude and satisfaction. In his speech of reply Lord Durham said:

'I do not return to England from my feelings of disgust at the treatment I have personally experienced in the House of Lords. If I could have been influenced by any such motives, I must have re-embarked in the very ship which brought me out; for that system of parliamentary persecution pursued me from the moment I left the shores of England. . . . My post is where your interests are really decided upon. . . . I assure you that to the last hour of my existence you will find me your

[1] Papers in possession of Dr. Doughty.

faithful and devoted friend, bound to you by the strongest ties, both public and private, of respect and gratitude.'[1]

It was this day, October 9, on account, no doubt, of the preparation for a demonstration, that Lord Durham, with his *flair* for the dramatic, selected for the performance of the task imposed upon him by the Home Government, in fact written by Brougham into his Bill, the proclamation in Canada of the Act of Indemnity and the disallowance of the ordinance. He made of this proclamation a defence of his action to the people of Canada, an explanation of his persisting in his resignation in spite of their appeals to him to remain, and a promise that as surely as he could exert influence on the political situation in England their interests would not be neglected in the immediate future as they had been in the immediate past.

There had been too much mystery in the public statements of Governors. With a people from whom he had received such gratifying proofs of attachment he could have no reserve. He had proclaimed at the beginning the principles by which he would govern. He must now explain why he could not continue. To effect the objects of his mission it had been necessary that he should have the means of acting for himself 'without a perpetual control by distant authorities'. This had implied not only extraordinary legal powers, but also 'the moral force that could be derived from the assurance' that his 'acts would be final' and his 'engagements religiously observed'. He had believed that he would enjoy these powers and 'that even party feeling would refrain from molesting' him, 'whilst occupied in maintaining the integrity of the British Empire'. He had been disappointed.

'From the very commencement of my task the minutest details of my administration have been exposed to incessant criticism, in a spirit which has evinced an entire ignorance of the state of this country. . . . Those who have in the British Legislature systematically depreciated my powers, and the Ministers of the Crown by their tacit acquiescence therein, have produced the effect of making it too clear that my authority is inadequate for the emergency which called it into existence.'

[1] *Quebec Gazette*, Oct. 10, 1838.

After a lengthy vindication of his Bermuda ordinance, he continued:

> 'The good effects which must necessarily have resulted from any settlement of this difficult question had already begun to show themselves. Of these the principal were, the general approval of my policy by the people of the United States, and the consequent cessation of American sympathy with any attempt to disturb the Canadas. This result has been most gratifying to me, inasmuch as it has gone far towards a complete restoration of that good-will between you and a great kindred nation, which I have taken every means in my power to cultivate, and which I earnestly entreat you to cherish as essential to your peace and prosperity.'

It had been absolutely necessary to insert in the ordinance the statements regarding the disposal of the prisoners in Bermuda; he had expected the British Parliament 'to supply their insufficiency in case of need'. But the co-operation which he had a right to expect had been refused him and 'the usefulness of my delegated power expires with the loss of that support from the supreme authority which alone could sustain it'.

> 'With what confidence can I invite co-operation, or impose forbearance, whilst I touch ancient laws and habits, as well as deep-rooted abuses, with the weakened hands that have ineffectually essayed but a little more than the ordinary vigour of the police of troubled times? . . .
>
> 'The proclamation contained an entire amnesty, qualified only by the exceptions specified in the ordinance. The ordinance has been disallowed, and the proclamation is confirmed. Her Majesty having been advised to refuse her assent to the exceptions, the amnesty exists without qualification. No impediment, therefore, exists to the return of the persons who had made the most distinct admission of guilt, or who had been excluded by me from the province on account of the danger to which its tranquillity would be exposed by their presence; and none can now be enacted without the adoption of measures alike repugnant to my sense of justice and policy. I cannot recall the irrevocable pledge of her Majesty's mercy. . . . If the peace of Lower Canada is to be again menaced, it is necessary that its Government should be able to reckon on a more cordial and vigorous support at home than has been accorded to me. No good that may not be expected from any

other Government in Lower Canada can be obtained by my continuing to wield extraordinary legal powers of which the moral force and consideration are gone. . . . It is with feelings of deep disappointment that I find myself thus suddenly deprived of the power of reforming the administrative system there, and eradicating the manifold abuses which had been engendered by the negligence and corruption of former times, and so lamentably fostered by civil dissensions. I cannot but regret being obliged to renounce the still more glorious hope of employing unusual legislative powers in the endowment of that province with those free municipal institutions which are the only sure basis of local improvement and representative liberty, of establishing a system of general education, of revising the defective laws which regulate real property and commerce, and of introducing a pure and competent administration of justice. Above all, I grieve to be thus forced to abandon the realization of such large and solid schemes of colonization and internal improvement as would connect the distant portions of these extensive colonies, and lay open the unwrought treasures of the wilderness to the wants of British industry, and the energy of British enterprise.'

He hoped that his Report would be productive of great results. He concluded:

'I fervently hope, that my usefulness to you will not cease with my official connexion. . . . It must be, I humbly trust, for the advantages of these provinces if I can carry into the Imperial Parliament a knowledge derived from personal inspection and experience of their interests, upon which some persons there are too apt to legislate in ignorance or indifference, and can aid in laying the foundation of a system of general government which, while it strengthens your permanent connexion with Great Britain, shall save you from the evils to which you are now subjected by every change in the fluctuating policy of distant and successive administrations.'[1]

This proclamation was received with almost universal favour by English-speaking Canadians and with nearly unanimous disapprobation in Great Britain. French-Canadians were disturbed by parts of it which seemed to confirm their fears that Lord Durham had been captured by the policy of the Anglification of Lower Canada.

[1] *Annual Register*, 1838, pp. 312–17; Reid, ii. 275–85.

The strongest condemnations of the proclamation in Great Britain are to be found in private letters rather than in the public press. Many of these letters were written by Lord Durham's intimate friends. Lord Grey, who had rallied to him loyally and indignantly in the matter of the ordinance and severely condemned the 'shabby' conduct of the Government, now felt that he had lost his head completely. 'All the faults of his character from which I always feared that it would turn out unfortunately for himself, his family and the country, seem to have broken out at last with a violence proportionate to the control under which he seems previously to have held them.'[1] Edward Ellice, who for all his private criticism of the Government believed that it should be publicly supported and who was perhaps offended at the fact that Durham still favoured federation, wrote an angry letter to Melbourne which began: 'Well, has not this meteor finished his career in the blaze I always predicted? What a proclamation,—and if I am not mistaken in one important, the only important, point in it,—in defiance of his instructions.'[2] To Durham himself, in a letter full of friendship and advice, he described it as 'a document, with all its merits of composition and ingenuity, without precedent in the annals of our colonial government, and which I hope may never be taken as an example. . . . You will find that this is not only the opinion of one, but of all parties in this country'.[3] Leslie Grove Jones wrote to Durham: 'It is but what I owe to you to tell you candidly and in confidence that your proclamation is disapproved of by several who are warmly attached to you and whose favourable opinion you value.'[4]

In his proclamation Lord Durham had attacked both the Tory and Whig parties, and in ordinary circumstances he might have expected severe reprisals from both. Some newspapers attacked him bitterly, but others criticized him in terms tempered to a delicate political situation. The *Morning Chronicle* practically satisfied itself by quoting and commenting favourably—for once—on a statement from the *Standard* which summed up the most reasonable ground of

[1] Howick MSS., Lord Grey to Charles Grey, Nov. 29, 1838.
[2] *Melbourne Papers*, p. 438.
[3] Lambton MSS., Nov. 29, 1838.
[4] Ibid., Dec. 5, 1838.

offence: 'We cannot think that it [Lord Durham's criticism] has been made in the proper place. The whole paper looks too like an appeal from the decision of the Queen and Parliament of Great Britain to the sense, if not the feeling, of the people of Canada,—surely an unbecoming character for a proclamation issued by the Queen's representative.'[1] *The Times*, however, displayed its characteristic vigour, roundly attacked the proclamation as inflammatory and seditious, and dubbed Lord Durham 'the Lord High Seditioner'.

The Government, moved no doubt by Melbourne who talked a great deal at this time about 'not truckling to Durham', felt that it must vindicate its authority, and Glenelg sent Durham a dispatch which contained the following:

> 'They [her Majesty's confidential advisers] consider, as open to most serious objection, an appeal by such an officer to the public at large, from measures adopted by the Sovereign, with the advice and consent of Parliament. The terms in which that appeal has been made, in this instance, appear to her Majesty's ministers calculated to impair the reverence due to the royal authority, to derogate from the character of the Imperial legislature, to excite amongst the disaffected hopes of impunity, and to enhance the difficulties with which your Lordship's successor will have to contend. The ministers of the crown having humbly submitted this opinion to the Queen, it is my duty to inform you, that I have received her Majesty's commands to signify to your Lordship her Majesty's disapprobation of your proclamation of the 9th of October. Under these circumstances, her Majesty's Government are prepared to admit, that your continuance in the Government of British North America could be attended with no beneficial results.'

This cannot be regarded as a dismissal from office. Lord Durham had not formally resigned, but he had indicated clearly his determination to do so; he could not have changed his decision after writing his dispatches and the proclamation; and Lord Glenelg had, at his request, arranged for a ship to take him home.

Some of the Radical papers defended the proclamation, but by far the most influential statement in its favour was that of John Stuart Mill in the December number of the

[1] *Morning Chronicle*, Nov. 7, 1838.

Westminster Review. He pointed out that the proclamation was not inflammatory; public opinion in Canada was already so inflamed that it was calculated to temper it. It was not an appeal from the decision of the British Government to the feelings of the Canadians; their verdict had already been rendered.

> 'All the addresses, all the resolutions were solicitations to him to retain the government; the proclamation was his answer. . . . Though no longer their Governor, his connexion with them was not to cease; upon him it was to devolve to watch over their interests in England. He was the only man in the kingdom of first-rate political influence, the only man ever thought of as minister, or as a party leader, who did not at that moment stand convicted, in the minds of those whom he was addressing, of the grossest ignorance of all the circumstances of the colony, and the most presumptuous incapacity in legislating for it. When this last specimen of presumption and incapacity was making the whole British population of both the Canadas join with the French Canadians in denouncing the principle of distant colonial government, and the very officials talk familiarly of a separation, was it nothing to show to Canada that there was one British statesman who could understand her wants and feel for her grievances—that from any councils in the mother country in which he had influence she might expect justice—and that the man, on whose constancy and magnanimity so much depended, was not throwing up his mission from personal disgust, but returning to England because the manœuvres of his enemies had changed the place where he could serve them from Quebec to the House of Lords? . . . So far from being inflammatory, it was probably the only kind of address to the people which in the then state of men's minds could have any healing effect.'

Of similar tenor is the statement made by Charles Buller two years later in his account of the mission. But Buller was able to speak of results as well as intentions. 'No disorder, no increase of disaffection ensued; on the contrary, all parties in the province expressed a revival of confidence; and we had it very clearly shown to us that one effect of the proclamation had been that of inducing a much more general readiness to enlist in the volunteer corps, and take other measures for the defence of the provinces.'

It does not appear, at first sight, why it was necessary to create a bad impression in all quarters by publicly inviting back to the province the very men whom the ordinance had sought to exclude from it. Charles Buller wrote a defence of that part of the proclamation in an appendix to his sketch of the mission, where he stated that Lord Durham had very reluctantly inserted it at his—Buller's—suggestion. Buller's defence is sound so far as it goes.[1] But it is remarkable that he made no mention of the fact that Glenelg had suggested to Durham that he should issue a new ordinance excluding these men from the province. Lord Durham gave as his reason for refusing to do so the feeling that this would be withdrawing the Queen's forgiveness after it had been granted, since the proclamation of amnesty covered them now that the ordinance which excepted them had been disallowed. But even if the amnesty did include them now—which is open to question—they might be amnestied for the treason committed in the rebellion and at the same time be legally excluded from the province because they were persons dangerous to the public order. The Government had defended the legality of that part of the ordinance and would be bound to defend another covering the same ground. And Durham and Buller must both have known that such an ordinance could not be successfully attacked in Parliament, once Lord Durham had turned over the government of the province to Sir John Colborne. The Duke of Wellington was the Conservative leader in the Lords; and the Duke, who was the soul of loyalty, would never interfere with the government of Colborne, who was both a personal friend and one of the Duke's best officers in the glorious days when they had beaten Napoleon.

So the matter appeared from the legal and political points of view, but when it came to individual cases there were greater difficulties. A few days after the news of the disallowance of the ordinance had reached America, Louis Perrault and Georges Etienne Cartier, two of the exiles affected by it, applied to Lord Durham for permission to return to Canada. They believed that the amnesty now

[1] For details the reader is referred to Buller's *Sketch*, Note A; *Can. Arch. Report for 1923*, pp. 367–9.

applied to them. This was the more embarrassing because Louis Perrault had not been in the province at the time of the rebellion. He had been one of those whose arrest had been ordered on the eve of the rebellion, but he had gone to the States on a business trip some time before. These facts were now well known in the United States as well as in Canada, and to refuse his application would play into the hands of those whom Durham and Buller knew to be plotting another insurrection. Buller wrote to Simpson, September 22, that Lord Durham would deal with this application after he had received the dispatches which he expected in a few days.[1] Then came Glenelg's dispatch suggesting a new ordinance. To issue such an ordinance would mean in Perrault's case that he would have been unjustly exiled in the first place, then amnestied, then after respectfully applying on the basis of the amnesty for leave to return to his home, made the subject of an ordinance continuing his exile. That would have been the crudest injustice, but to issue a new ordinance and omit his name might very well do more harm. Buller's suggestion would seem the simplest way out. Nothing was said of this application in Buller's defence; he left it to be disinterred now from his official correspondence. But he said: 'When the subsequent insurrection actually did break out, the rebels could allege no harsh act on the part of the Government as a provocation.' None of the exiles who returned after the proclamation took any part in the second insurrection, and in view of the part which he played in the making of the Dominion, there can be no regrets that Georges Etienne Cartier was permitted to return to his home rather than excluded by a second ordinance. Buller generously assumed responsibility for this part of the ordinance. He concluded his defence with the statement:

> 'I am bound to take on myself whatever blame is due to me, for well I know he never would have cast it on me. Every man who has to act on a great variety of matters of importance must rely on those whom he employs and trusts; and Lord Durham was necessarily compelled in much that he did to rely on me and act on my advice. Some steps that he took at my

[1] Canadian Archives, Lower Canada Sundries, Sept. 20, 1838; Letter Books of Civil Secretary, Sept. 22, 1838.

suggestion were among those that were most fiercely assailed either at home or in Canada. Yet never have I any reason to believe that he threw on me even the blame that I deserved. Never certainly, though often he might justly have done so, did he reproach me with the consequences of my counsels, never at least but once, in a moment of very natural excitement, and then he repaired the reproach in half an hour.'

The most unfortunate result of the proclamation was one which received no attention in England and was not mentioned by Buller in his apologetic statement. We have noticed the sensitiveness of the French-Canadian moderates, their misgivings in regard to Durham's relations with the British leaders, and their indignation at his appointment of Adam Thom. But until the proclamation of October 9 the more optimistic of them had continued to hope for the best, an attitude reflected in *Le Canadien*. After that a marked change is to be seen. The breach was widened to the point where no one believed that it could be bridged. Lord Durham is still respected as an upright and conscientious statesman, but he has fallen into the nets laid for him by the British party. In the words of his proclamation his aim is to 'elevate the province of Lower Canada to a thoroughly British character', 'to raise the defective institutions of Lower Canada to the level of British civilisation and freedom, to remove all impediments to the course of British enterprise in this province', to 'touch ancient laws and habits as well as ancient abuses'. That might be a more graceful way of putting it, but it was what Adam Thom and his friends had been talking for years—the Anglifying of the French-Canadian race through the destruction of their cherished institutions. *Le Canadien* had been the most favourable to Durham of the Lower Canada papers until the appointment of Adam Thom; after that it was more subdued in its eulogies and somewhat suspicious; its attitude after the proclamation may be judged from the following quotations:

'Of what black ingratitude, what odious oppression would not England render herself guilty, if after having favored for half a century . . . the existence and extension of certain "social arrangements" under which this people has grown up and with which it has been identified, she were to decree arbitrarily

the overthrow of this social existence or of any of its essential parts. It would have been a thousand times less hard, less cruel never to have established these rights. . . . It is not in this manner that a statesman will ever add a jewel to his crown.

'Nobody could consider it strange that he [Lord Durham] an Englishman, and a patriotic Englishman, should believe that the laws, customs, and social institutions of his country were superior to all others and that he should desire their introduction in this country, but nobody could reconcile himself to the idea that, consistently with his political doctrines, he could and would impose laws, customs, and institutions, against their will on a people to whom other laws, other customs, other institutions are guaranteed. This noble peer of the United Kingdom, as a Protestant would no doubt have liked to see Ireland adopt Protestantism, yet as a liberal statesman he fought for the religious emancipation of Ireland against any measure which attempted to force the Protestant religion on a Catholic people. . . . By what strange perversion of principles can he act toward Lower Canada in a way that he could not toward Ireland? . . . What hope can remain to us to-day, ask Canadians most favorable to our present political existence, when we see one of the most liberal and distinguished statesmen of Great Britain, with a reputation for political talent, subscribe to those views of factious ascendancy which have been the curse of this country?'

When Lord Durham sailed from Quebec on November 1 the leader of the French-Canadian press, who had welcomed him with the utmost enthusiasm, spoke these words of farewell: 'He was an envoy to pacify a country torn by political dissensions, envenomed by national distinctions, and into the midst of elements so inflammable, he throws a burning brand, he declares himself for the national destruction of a whole people.'[1]

We now turn back to trace the fortunes of 'the plan of government'. We have already noted that the first plan prepared by Lord Durham, probably in England, was modelled closely after the scheme of federal union of all the British North American provinces submitted to him by Roebuck.[2] The only important additions were the inclusion

[1] *Le Canadien*, Oct. 17, 22, Nov. 2, 1838.

[2] See pp. 359–60, *ante*.

of all provincial officials among those who were to be subject to impeachment before the general assembly and the elaboration of the powers of the federal government, which were now to include militia, customs, administration of crown lands 'as far as the crown would consent', and all boundary questions as well as currency, bankruptcy, inter-provincial communications, post-office, and general trade. This plan had been submitted to the Montreal leaders early in July. Its reception, though unfavourable, was not discouraging. A few days before, Durham had given a document embodying his plan to Sir John Harvey, Governor of New Brunswick, who had come to visit him at Quebec and who took it home for further study.[1] He submitted a very similar paper for consideration and criticism to John Beverley Robinson—Chief Justice of Upper Canada and the giant of the 'Family Compact' for nearly the whole period of their power—possibly when Robinson accompanied him from Toronto to Prescott on his return from Upper Canada.[2]

John Beverley Robinson's criticisms of this plan indicated by pencilled marginal comments are of interest not only on account of their influence on Lord Durham, but also because of their remarkable similarity to the provisions of Confederation as it went into effect twenty-nine years later. Not least significant is the revelation of the limited geographical vision of Canadians of that day conveyed by Robinson's writing opposite to 'all such future provinces as may arise' the remark: 'There will scarcely be any additional provinces unless by subdivisions of those now existing.'

Ultimately Lord Durham adopted nearly all of these amendments suggested by Robinson. Legislative Councils were to be retained, Roebuck's idea of giving revisionary

[1] See article by Professor R. G. Trotter on 'Durham and the Idea of a Federal Union of British North America', in *Report of Canadian Historical Association, 1925*, for the details of this paper and a full account of the whole subject.

[2] I have identified the handwriting of the pencilled notes on the margin of this plan of Lord Durham's in the Canadian Archives as that of John Beverley Robinson. Roebuck's plan and this one modelled after it are in *D.P.* 6, iii. 578–673. The paper submitted to Sir John Harvey is in Delancey-Robinson Papers. There is practically no difference in content between the latter and the plan which was criticized by Robinson, but the wording is different here and there and some points are more fully explained.

powers to Executive Councils dropped, and the provincial constitutions to remain as they were. Members of the federal parliament were to be elected by the people; not the provincial Assemblies, and the number for each province raised from five to ten. The provision for shortening the duration of Parliament and for summoning and proroguing Parliament at fixed dates were struck out of the plan. Judges were to be appointed by the Crown only, and boundary questions left to the Privy Council. On the other hand, Durham apparently continued to favour the original provisions for the constitution of Executive Councils and impeachment, Canadian control of the post office, and the idea of a Canadian Supreme Court.[1]

Durham's remarkably open mind welcomed suggestions from all sources, Family Compact or Reform, Roebuck or Adam Thom. But these contributions of Robinson's came from a man who was not only one of the best political thinkers in the country, but who could probably win the Upper Canada Tories to any plan that satisfied him. Since the French-Canadians and the Upper Canada Reformers could be counted on to support any reasonable project of confederation, that would mean three out of four parties in the two Canadas, even if Adam Thom could not win the 'British party' in the Lower Province. The two most important of these changes, the retention of Legislative Councils and the election of federal members by popular vote rather than by the Assemblies, were also advised by Thom,[2] and it is easy to see why they were calculated to make federation more acceptable to his party. Another change which crept into Durham's plan was probably also designed to conciliate the 'British party' of Lower Canada, whose leadership and main strength was centred in Montreal. The district of Montreal, the Eastern Townships (the English-speaking part of rural Lower Canada), and the eastern part of Upper Canada were to constitute a separate province, making out of what had been Upper and Lower Canada

[1] These amendments are indicated by *D.P.* 3, ii. 675 (Durham to Robinson, Sept. 16, 1838), and the erasures and changes in the document at the Canadian Archives, all of which are in accordance with Robinson's marginal comments.

[2] *D.P.* 6, ii. 98, Thom to Durham, Aug. 17, 1838.

three provinces, each of which would have, as nearly as possible, racial homogeneity.[1]

In the meantime there were the Maritime Provinces to contend with. The documents in which Lord Durham's plan was embodied had retained Roebuck's suggestion that Upper and Lower Canada might be federated first and provision made for the other provinces to come in later at their option. But the federation of all British North America had appealed to Durham's imagination and everything that he wrote during these months shows that he was driving for the immediate creation of the nation of which he dreamed. He had invited Sir Colin Campbell and Sir Charles Fitzroy, the Lieutenant-Governors of Nova Scotia and Prince Edward Island, to come to Quebec to confer with him after his return from Upper Canada. They arrived August 16 and remained until the 25th, during which time they accompanied him to the Montreal races. We know little of the results of this visit beyond Lady Durham's general statement that 'they both entered cordially into his views and he was perfectly satisfied in his communications with them'.[2]

While the other governors were at Quebec he received Sir John Harvey's comment on his plan of confederation. There was little discussion of detail beyond an adverse criticism of the abolition of the Legislative Council. Public sentiment in New Brunswick was at that time opposed to the whole idea of federation. The people were indisposed 'to connect themselves in any way with the French population of Lower Canada', nor would their representatives in the Assembly surrender a share of their recently acquired control over revenues to any federal body. He hoped, however, that if the plan were applied first to Upper and Lower Canada, the maritime provinces would realize its benefits and join at some time in the not distant future.[3]

Durham replied that he did not desire to force New Brunswick into federation, but that that province might regret its exclusion from the benefits which the other maritime pro-

[1] Buller's *Sketch*, p. 358; *D.P.* 3, ii. 675. See Bradshaw, pp. 319–20, for a letter to *The Observer* (published Dec. 24, 1838) giving another description of Durham's revised plan. The supporting authority is of a very doubtful character.

[2] Lady Durham's Journal, 39.

[3] *D.P.* 3, ii. 378, Aug. 16, 1838.

vinces would realize from the union, especially the construction of lines of communication which they so badly needed.

Lord Durham had already planned a conference to be held at Quebec in September, to which each of the maritime provinces was invited to send delegates representing all parties and classes. Before the Nova Scotia delegates left Halifax, Sir Colin Campbell wrote to him that while they believed that the confederation was desirable, they felt that the people of the province would not approve of it, and that the formation of two unions, one of the Canadas, the other of the Maritimes, was preferable. Sir Colin himself thought that the larger project was 'the only means of securing the tranquillity and strengthening the connexion of these flourishing provinces with Great Britain.'[1]

Into the midst of this conference came the news of the disallowance of the ordinance. Of the discussion of the plan of confederation very little knowledge is available. In view of the feeling reported by Sir John Harvey and the later statements in the Report to the effect that it might take some time before their consent to a general Union could be secured, it seems probable that at least the New Brunswick delegates suggested obstacles to the immediate adoption of any plan of confederation.[2]

Certainly Lord Durham still intended to recommend a British North American federation and not a legislative union of Upper and Lower Canada. Five days after the Maritime delegates left Quebec, Adam Thom wrote Buller that he would advocate the larger federal union in the *Herald*,[3] and at a meeting in Montreal, October 1, Thom stated that His Excellency was strongly persuaded that a union of the two Canadas 'would cruelly disappoint the anticipation of its advocates'. The French Canadians and a small group of revolutionists in Upper Canada, Thom argued, would unite to form a majority in the union legislature. The interests of the British party in Lower Canada would be better served by a federation of all the provinces. 'If Upper Canada alone cannot give you a truly British

[1] *D.P.* 3, ii. 562, Sept. 4, 1838.
[2] *D.P.* 3, ii. 378; *Lord Durham's Report*, ii. 322–3.
[3] *D.P.* 6, ii. 220, Sept. 27, 1838.

majority, infuse an additional quantity of British blood and British feeling to be found in the unbroken masses in Nova Scotia and New Brunswick.' C. D. Day said in reply that in a federal union 'we should be cursed with the same *local* legislature, the selfsame French majority, and we should be represented by the same materials in the general legislature'. The meeting was enthusiastically eulogistic of Lord Durham, but it passed by a large majority a resolution in favour of a legislative union of Upper and Lower Canada.[1] Next day Lord Durham wrote to Richardson: 'I thank you kindly for your account of the meeting. . . . I fully expected the "outbreak" about the union of the two provinces. It is a pet Montreal project, beginning and ending in Montreal selfishness.'[2]

The proclamation of October 9 indicated a federation of all the provinces. On the same day a letter to Arthur drafted by Buller but authorized by Durham developed new arguments for a general federation.[3] On October 22, ten days before Lord Durham sailed, Buller wrote Strachan that he was 'delighted' to find in him 'an advocate of the federal union of the British North American provinces' which seemed to be the only way to secure good government.[4] Buller, in an article written nine years later, gives us the reason why his chief came to give his blessing to that policy which he had previously damned—the legislative union of Upper and Lower Canada. The discussion with the Maritime delegates had suggested difficulties in the way of federation, but

> 'Lord Durham, when he left Canada, was still so much inclined to this original plan that he was disposed rather to wait for the period at which it might be accomplished than to propose in the first instance any less extensive union. The second insurrection, which broke out during his voyage home, convinced him that the disorders of Lower Canada would admit of no delay; and compelled him, much against his inclination, to admit that the present peril must be guarded against by an immediate union of the Canadas.'[5]

[1] *Montreal Courier*, Oct. 3, 1838. [2] Richardson, *Eight Years*, p. 227.
[3] D. P. 3, ii. 815. [4] Lower Canada Sundries, Oct. 22, 1838.
[5] *Edinburgh Review*, Apr. 1847 (review of Head's 'Emigrant'). 'Time, and the honest co-operation of the various parties, would be required to aid the action of a federal constitution; and time is not allowed, in the present

The insurrection however was on them, in all but actual outbreak, before Durham sailed, and there are reasons for believing that he was wavering before he left Canada.[1] In a situation that called for immediate action, the vision faded but it did not vanish. Probably Durham never saw very clearly the permanent advantages of a *federal* form of union. In his mind federation was always a stepping stone to an ultimate legislative union of all the provinces. But everything noble in his imagination clung to the dream of one united nation, glorying in its nationhood and playing an ever widening role in the larger British world. Not the least of the values of Lord Durham's Report is the fact that it developed, with that lucidity and force which characterized everything he wrote, nearly all the arguments for the larger union which were employed at the time of the formation of the Dominion.

During his last days in Canada he completed a number of matters that were in process of settlement. Among these was the preparation of a Registry Bill which received the approbation of the principal advocates of that reform and of the best lawyers of both races; the conclusion of an agreement with the Seminary of St. Sulpice which laid the basis of the emancipation of the city of Montreal from feudal ties; the granting to squatters on crown lands of the right of pre-emption at upset price; and the conversion of the Home Government to the necessity of a good law of escheat in Prince Edward Island, thus removing a deep-rooted obstacle to the prosperity of that province. The Commissioners of Education and Municipal Institutions were left behind to complete their tasks; Charles Buller remained to

state of Lower Canada, nor co-operation to be expected . . . The only efficacious government would be that formed by a legislative union' (*Lord Durham's Report*, ii. 307).

[1] Richardson stated that Peter McGill told him—eight years after the event—of a conversation with Buller after Durham had sailed in which he was informed that Lord Durham had abandoned his former intention in favour of a legislative union. The preference must be given to Buller's statement, quoted above, especially as in the article referred to he would have been glad to prove the contrary and place Head in the wrong. But Buller probably said something to McGill which indicated a changing, if not a changed mind, on Durham's part. Such conversions are not usually sudden ones, and we shall see that the question was not finally settled until some time after Durham's return to England.

gather up loose ends in connexion with the commissions for which he was responsible. Wakefield on the other hand was sent on to England in advance, probably to spy out the land and report to his chief on his arrival. Durham's last appointment, that of James Stuart (later Sir James Stuart) as Chief Justice of Quebec, repaired an injustice of an earlier administration and placed the man who was recognized everywhere as being the best lawyer in the province in its most important legal position, from the vantage-point of which he was later to play the leading role, so far as Lower Canada was concerned, in establishing the Union and guiding the administration of Lord Sydenham. Stuart was one of the leaders of the British party, and his appointment was interpreted as a gesture in their direction. But at no time in his life did Lord Durham allow any consideration to stand in the way of his appointing the best man to every office. Such a policy may occasionally imperil an administration, but it builds the future of a nation on its surest foundation.

The second rebellion broke out two days after he sailed. But he and Colborne, to whom he had surrendered all real authority for several weeks before it came, had seen it gathering for some time. Measures were taken to meet it effectively, but its prevention was particularly difficult because it was being prepared in the States with the hope that thousands of *habitants* would flock to its banners when it had once crossed the line. Durham sent dispatches to Glenelg giving details of the coming danger. With characteristic exaggeration and a tendency to centre the councils of the gods on his own wrongs, he blamed it all on the Government's disallowance of the ordinance. 'The whole of this has been occasioned (you will excuse the frankness with which I tell it you) by your late proceedings in the Cabinet and the House of Lords.'[1] Sir George Arthur, who faced a similar situation in the upper province, while recognizing that the rising had been planned since the early summer, agreed with this to the extent that he believed it might not actually have broken out had not the Government's action encouraged the insurgents by disarming Durham's strong Government, and taking under its own protecting wing the

[1] *Q.* 248: 154, Oct. 20, 1838.

leaders of the first rebellion.[1] It is difficult to accept that conclusion, but the political game in England had certainly helped to keep trouble boiling in Canada and made it easy to convince many a *habitant* that the Government of Canada was so weak that it could not even punish its rebels, and that it had no substantial support from Great Britain.

Although arrangements for his return had been made for some time, Durham came to feel in the middle of October that he should stay and face the impending rising. He had no misgivings about the decision, made a month before, that it was his duty to return to England, but here was a new factor in the situation. Could he honourably leave his post on the eve of battle? Buller and Colonel Couper, his military secretary, both told him he must go. Failing to persuade him they appealed to Colborne, and he, in his blunt fashion, said that at such a time all authority, military and civil, should be in the hands of the Commander-in-Chief, that a civilian governor would only be in the way and that the people of the British Isles were in dire need of enlightenment in regard to Canada, which Durham could best afford them. Couper wrote to the latter: 'I cannot help thinking that, at this crisis, your Lordship laments you are not a soldier.'[2] But it was a soldier's business and there could not have been a better man for it than Colborne.

That meant also the abandonment of the trip through the United States on which Lord Durham had set his heart. The Americans were in a most enthusiastic frame of mind in regard to Britain's most liberal statesman, who had been breaking down toryism and outworn systems in more than one British country and from his seat of power in the colony to the north had shown them a generous cordiality and affection. Great demonstrations had been prepared. The British consul at New York sent to Quebec a list of leading citizens who had been anxious to entertain him.[3] He was to have lived with the President at the White House as a national guest, which, according to Buller, was 'an honour never conferred on any one but Lafayette'. A few days

[1] *D.P.* 3, ii. 902, 935, Oct. 24, Nov. 16, 1838.
[2] *D.P.* 4, i. 837, Oct. 19; ibid. 6, ii. 443 [Oct. 20].
[3] *D.P.* 6, ii. 435.

before the change was made, Lady Durham had written to her father out of a heart that was aching for England and the old home scenes: 'If we missed this opportunity we should regret it all our lives.' But Durham regretted it more keenly than any. It would show his fellow-countrymen how the prophet on whom indignities were heaped at home was honoured in the new world.[1] And there was no doubt an impulse—hardly defined to himself because it was so spontaneous—to such a fine opportunity for display. But there was a greater cause. With him, along with that worship of the vanities, there went always a vision of permanent values. No Englishman of his generation appreciated as he did—none even approached him in this respect—the importance to the world's future of being an apostle of Anglo-American friendship. The good work begun at Niagara and Quebec might be completed at New York and Washington. Durham was bitterly disappointed at losing this opportunity to pursue what he had made an essential object of his mission.

On the 29th Sir James Macdonnell and his fellow officers of the two regiments of Guards stationed at Quebec tendered him a congratulatory dinner. The speeches were enthusiastic in their praise of Durham. It was made very clear, though not in so many words, that their admiration covered proclamation and all, and there was not a little implied criticism of the House of Lords and the Home Government from which they held their commissions. An attempt was made next spring—after the fighting was over—to make this Guards dinner the subject of a sensational debate in the House of Lords. No doubt the proprieties were violated, not to mention the fact that it was galling to the Lords to have flung at them the fact that everybody in Canada, even to the British troops on whose valour the defence of the colony rested, supported Durham against them—everybody except the rebels, who had actually voted them congratulatory addresses. But the call to active service was only a few days off and these professional military men were plain-spoken fellows whose particular form of conceit was a belief that it was their business to clean up the blunders of politicians.

[1] See his dispatch to Glenelg, Q. 247: 222, where he said something very like that.

Lord Durham improved the occasion with a graciousness and tact that never failed him when he chose to employ them. He proposed toasts to Sir John Colborne and the Duke of Wellington. The one was almost as much of a Tory as the other, but their names had been linked, as they were linked that night, in the annals of England's most vital military struggle. There were no two statesmen whose politics had been as diametrically and dramatically opposed as had those of Wellington and Durham. In the Reform Bill struggle each had been the hero of one side and the ogre of the other. But this was war, not politics. Durham's eloquent tribute to the Duke found its inspiration in the facts that the memory of his military genius and brilliant victories was an immortal possession of the British race, and that these men were called upon to fight for the glory of that race as it was to be expressed in a Canadian future which Durham alone of Englishmen had the eyes to see.

On the following day, the 30th, he was again seriously ill. More news arrived of the impending insurrection, he again spoke of remaining, and Colborne had to persuade him once more that his duty lay in England. With a renewal of his illness came a fit of depression, and he told Charles Buller that he did not believe that he would reach England alive.[1]

The members of his entourage had caught the spirit of their leader, and as they prepared to depart they felt deeply for the people of Canada. 'Tommy' Duncombe wrote in his diary:

> 'It was impossible to leave them without feeling that we were going from a kind, loyal, and enterprising body of men, who would perhaps in a few weeks have to struggle for their lives and property, all owing to the imbecility of a Government, stationed four thousand miles off, enjoying every luxury and comfort that home could afford them, but totally ignorant of the high qualities and energies of those they presumed to govern and whose destinies were in their hands.'[2]

This was too strong to be just, but it was the language of emotion, and the sentiment was a sound one.

[1] Lady Durham's Journal, 51; Buller's *Sketch*, p. 363.
[2] Duncombe, ii. 265. Quoted in Reid, ii. 304–5.

It snowed on the night of the 31st, and the morning of November 1st broke clear and cold. Shortly before two o'clock in the afternoon, Lord and Lady Durham, with their suite, left the Chateau accompanied by a military escort, preceded by the friendly societies of the city, and followed by a procession of three thousand citizens. 'The streets were crowded; the spectators filled every window and every house-top; and though every hat was raised as we passed, a deep silence marked the general grief for Lord Durham's departure.'[1] But the scene is best described in the words of Lady Durham's Journal:

> 'The gloom which prevailed seemed indeed as if the people were parting with what was most near and dear to them. I never beheld any public ceremony so deeply affecting, and all the feelings which pressed upon me on leaving England were slight in comparison with those I now experienced on departing from Quebec. Little did I imagine, on the first occasion, that I could ever feel regret on returning home; but there was now something so sad and solemn in the scene, so heart-breaking in the unmerited disappointment which had fallen upon him and upon a great people, that a long life of happiness afterwards could never have effaced the impression made upon me at that moment. . . . I seem to have been speaking principally of myself,—of my own sensations,—but it was the sight of him, of his countenance which contributed to render them so intense. He said but little at the moment.'[2]

We may well believe that that day was a vivid memory through the few years of life that remained to them both. Deep as the bonds had been that bound them to the Canadian people, they were rendered indissoluble by the emotions that it evoked. And in that personal consideration there broke the one ray of hope that grew until it had conquered all the gloom. Lord Durham was the most potent envoy that Canada ever sent to England. About to die, he was to render her the service that stands peerless in Imperial history. His Report was more than a work of genius; his whole conduct in the coming months more than that of a man of state. He wrought his miracles for the ages to come, not only through his superior intellectual gifts, but because he set

[1] Buller, *Sketch*, p. 363.

[2] Lady Durham's Journal, 52–4. Quoted in part in Reid, ii. 303–4.

behind him all personal ambitions and all personal feelings, conquered temper and pride,—dogging him through life, but subdued in that last great task. It was more than a vision of Empire. There was no solemn service, no sacred vows, but it was none the less a dedication. He was more a Britisher than ever; through storm and pain he had served Britain all his life, but he served her best by becoming now —a Canadian.

NOTE. For a letter from Buller to Mill dealing with Lord Durham's resignation, which was secured by the Canadian Archives after this book was set up in page form, see Canadian Archives Report for 1928 (published in 1929).

XXI

RETURN TO ENGLAND

AFTER leaving Quebec the good ship *Inconstant* ran aground, was on fire twice, sailed through twenty-five days of continual gale and storm, and reached Plymouth harbour, November 26, in weather too rough to permit a landing for four days. Lord Durham could not find peace on either land or sea. A sick man when he went on board, he appeared at dinner the first evening, then ran a high temperature, was in bed for a day, got up too soon, and was tormented with the pains in his head and face for the whole of the three weeks and a half.

In the meantime his home-coming was causing much more of a sensation in England than even he realized. The country had been all agog over Canada and Lord Durham in August, not only because they formed the centre of a ministerial crisis, but because the majority of the people—who always like to have their politics dramatized by personalities—saw in the whole affair of the ordinance a renewal of the old duel between Brougham and Durham, its interest heightened now by the fact that both were at daggers drawn with the Prime Minister. This interest might have been thrust aside by the Chartist and Corn Law agitations, but Durham had prevented that, first by his sensational proclamation and now by coming home, as the popular imagination fondly believed, blazing with passion against the Government. The Ministry was in a more dangerous position than ever. A dozen Radicals voting against them in the House of Commons could effect its downfall, and the Radicals were nettled by Lord John Russell's repeated declarations about the finality of the Reform Bill. Disliked by the bulk of the Ministerialists and distrusted on account of his advanced liberalism, Durham was strong with the more liberal of the Whigs, among whom he had warm friends and disciples. The Radicals, though they would follow Brougham on a Canadian issue because of their sympathy with supposedly downtrodden colonists, had by no means lost their old fondness and admiration for Durham. All candid observers of the situation

agreed that Durham held the fate of the Government in the hollow of his hand.

The ministers were more worried than at any time in their precarious career. As the *Inconstant* approached the shores of England they were fairly shivering in their official togas. A month before Melbourne had written to Russell: 'It is very odd to see the terror that Durham inspires. Everybody has always been afraid of him. They seem to me to fear him much more than they do Brougham.'[1] Melbourne himself did not fear either Brougham or Durham, yet by the end of November a strain of anxiety had broken through his insouciance.

And the duel between Durham and Brougham! Public interest looked forward eagerly to their meeting in the Lords. What a day it would be! Spoil-sports had prevented it four years ago, but it was sure to come off this time. The ends of the earth were watching for it. While Durham was still at sea, Macaulay wrote from India:

> 'Lord Brougham, I have a notion, will often wish that he had left Lord Durham alone. Lord Durham will be in the House of Lords, with his pugnacious spirit, and with his high reputation among the Radicals. In oratorical abilities there is, of course, no comparison between the men; but Lord Durham has quite talents enough to expose Lord Brougham and has quite as much acrimony and a great deal more nerve than Lord Brougham himself.'[2]

Brougham was meting out justice at the Judicial Committee of the Privy Council, 'in high spirits and looking forward with exceeding zest and eagerness to the fun he is to have in the House of Lords'. Brougham would have enjoyed fighting Durham, no doubt, if the latter felt he must fight. But, now that he had evened accounts with him, the greatest fun of all would be to join hands with him to break Melbourne. Yet there was a cloud now and then across those high spirits, for as Durham's storm-swept ship was lumbering homeward, a new move rendered the situation more complicated than ever. Some of the Radical leaders revived the idea of forming a really Liberal party by bringing together Liberal Whigs and

[1] *Melbourne Papers*, p. 434, Oct. 21, 1838.
[2] Sir George Trevelyan, *Life and Letters of Macaulay*, i. 543–4.

Radicals under Durham's leadership. The Whigs who dissented might then join the Tories, if they pleased; the progressive elements in the electorate would at last have something to wax enthusiastic over and, whatever happened in Parliament, the country would return the party to power with Lord Durham as Prime Minister. In behalf of that conception John Stuart Mill wrote a powerful article for the *Westminster Review*. Since the *Westminster* was a quarterly, this did not appear in its pages until December, after Durham landed, but advance-sheets were circulated and lengthy extracts appeared in the *Spectator* of November 24.[1] The article linked the advocacy of Lord Durham's leadership of a Liberal party with a review of his administration in Canada, from which the defence of the proclamation has already been quoted.[2] Only a few passages can be given here.

> 'There were consequences dependent upon Lord Durham's mission to Canada calculated to make it the turning point of English politics for years to come and to raise every incident connected with it, however secondary in appearance, to an event in history.[3] . . . In addition to so large a portion of territory, there was delivered into his keeping the character also of England; her reputation in the eyes of all nations for wisdom and foresight . . . at one of those critical instants when Europe, Asia, and America were looking on to watch how England would act under trial,—whether like an irritated tyrant, or a serious and thoughtful ruler, intent upon profiting by experience and gathering from her failures that most valuable kind of knowledge, that of her own mistakes. . . . There was one man to whom his party might look, to whom it had for years looked, . . . as the leader of a future administration, . . . Lord Durham. . . . And he alone was so marked out for the position by every consideration of character, situation, and past services, that if he chose to assume it he could do so without rivalry or dispute; and the whole of its effective strength would come forth at his voice and give him that decisive majority in the House of Commons with which he might again break the power of aristocratic faction.[4] . . . The

[1] Bradshaw, p. 230. [2] See pp. 457–8, *ante*.

[3] What a remarkable prophecy this would have been if Mill had written 'Imperial' instead of 'English'.

[4] The reference, of course, is to the Reform Bill.

battle for the good government of Canada, as well as for reform in Great Britain will have to be fought here. . . .'

Mill had no political ambitions. This was a work of pure patriotism. 'Our noble friend Mill', Wakefield wrote to Molesworth, 'is ordered to Malta. His lungs are not organically diseased, but will be if he remains here. He thought the other day the disease was mortal, but yet fagged away at this Durham case as if he had expected to live for ever.'[1] Few review articles have exerted such an influence. The public support of Durham's administration in Canada, imperilled by the proclamation of October 9, was recaptured by Mill's marshalling of fact and argument; and due largely to his eloquent advocacy, there was a widespread Durham movement by the time the Proconsul landed at Plymouth.

During the four days in Plymouth Sound before he landed, Lord Durham received three letters from Wakefield in London.[2] The first was written, December 24:

'The beginning of a change of feeling has been produced partly by your near approach, and partly by a notion, now beginning to prevail, that the state of the case is generally misunderstood here, or not at all known. Your coming straight home to face your foes has had the effect that *pluck* always has with Englishmen. People say now—"Well, he must have something to say for himself, or he would not return in this way—perhaps he will put everybody in the wrong after all". The Govt. people especially are puzzled and alarmed by this evidence of your resolution and self-reliance. *They will submit to your terms*—they feel that they are at your mercy. . . . I would not deceive you or mislead you for the world. You took me by the hand when I was proscribed; and I would die in your service. . . . The leading Tory paper of Liverpool has turned smack around in your favour since I was there—so will the *London Standard* next week, I think. . . . The grand point of Whigs & shufflers will be to spare you (for now, they no longer dare attack you) and to abuse your "advisers". I know, and will prove to you that the word of command has been given. "Praise Durham; but fall hard on his *advisers*." If this trick should succeed with you, they would then say that your acts in Canada were but nominally yours and really those of Turton,

[1] Fawcett, p. 202, Nov: 27, 1838.
[2] *D.P.* 6, ii. 466 seq., 477 seq.; Lambton MSS.

Buller, and myself. They go about now, saying that all the "indiscretions" you have committed (such as the Proclamation) were our doing. . . . I said that you would, and you do now, fill a larger space in the politics of the world than any other man. . . . The fright at your return is increasing every hour. . . .'

In his letter of the 27th Wakefield reported that Durham's position was improved and that a description of the effects of the proclamation had removed all objections with 'candid people'. 'Scarcely anybody knows anything of Canadian affairs—still less of the motives, tendencies, or results of your acts. If I had remained here, I should have gone along with the class of objectors.' While this letter of Wakefield's informed him that he would be ruined politically if he supported the Government, one from Ellice conveyed a solemn warning that he would be damned both in this world and in the next if he did not support it. Ellice warned him especially against the 'recommendations of the writer in the *Westminster Review*'.[1] There were other letters and plenty of advice, which Durham welcomed because he had to make his running through a broken field. In his third letter Wakefield stated that he was hastening to Plymouth and that Durham should make no move until he arrived with news that could not be trusted to a letter; he had heard from Molesworth who would follow Durham 'through thick and thin'.[2]

There is enough in Wakefield's letters to awaken a suspicion that there may have been some truth in a statement by the *Devonport Gazette* that there were intervals in the storm during which Lord Durham might have landed, but he took advantage of a good excuse to secure time 'to read papers, collect opinions, and see how the public pulse beat'.[3] He made his landing at last on the 30th. There was no official reception, and some of his friends represented this as the ultimate 'shabbiness' of the Government, but it is not very clear that it was the Government's duty to tender such a reception. Durham had shown before that he had a way of imagining that certain honours were 'customary' when

[1] Lambton MSS., Nov. 29, 1838.
[2] Ibid., Nov. 29, 1838.
[3] Quoted in *Montreal Gazette*, Jan. 12, 1839.

they were not customary at all. But the popular reception was most enthusiastic. Sir William Molesworth, who for a year and a half had been attempting to line up the Radicals against the Government and had come down from London to muster all the local influence he possessed in behalf of the Durham movement, occupied the chair at a public meeting at Devonport, December 1. Addresses were presented to Lord Durham from Devonport and Plymouth. After repeating his Glasgow creed and speaking with frank boastfulness of his achievements in Canada, he said:

> 'In this career of, I humbly but fearlessly venture to assert, complete success, I have been suddenly arrested. . . . To me personally such disappointment is great . . . but to the people of British North America the crisis is most alarming and dangerous and throws into the shade all personal considerations which can attach to the treatment which I have received. Every feeling, therefore, of my heart, every faculty of my mind is engaged in the task of providing here for the security and advancement of those important national interests.'[1]

Wakefield, who was still spying out the land, as well as helping to stir up the Radicals, and writing for the papers 'an account of "Durham Manifestations in the West of England"' reported that all the Reformers who were not content to see the Reform Bill a finality were, after having been rendered apathetic by Melbourne, now roused to action.

'They say—"Now we have got a man who can, and will, go through with Reform." . . . Your return, in circumstances which lead them to hope that you will act independently of the Melbourne Whigs, gives them heart; and they will support you through thick and thin if you are true to yourself.'[2]

One wonders how far Wakefield was running ahead of Durham's wishes in all this. He was usually over-zealous in the causes that captured his heart. Durham himself gave no indication of taking a stand against the Government in his replies to addresses at meetings in his honour at Ashburton, Exeter, and Honiton. Before he reached Exeter, news

[1] *Morning Chronicle*, Dec. 6, 1838, and other contemporary newspapers. Parts are quoted in *Annual Register*, 1838; Reid, ii. 308–9; Bradshaw, pp. 232–3.

[2] *D.P.* 6, ii. 503 seq., Dec. 3, 1838.

arrived of the outbreak of the insurrection in Canada. His critics remarked that these events were hardly consistent with the boasted success of his administration. But for purposes of argument the insurrection was a two-edged sword, and in his Exeter speech he blamed the insurrection on the proceedings in Parliament and used it to show 'how the best interests of the Empire are affected by proceedings founded on party feeling and political animosity',[1] which was an ambiguous expression referable to either Melbourne or the Tories.

Brougham could use the news of the Canadian insurrection against both Melbourne and Durham. According to Greville:

> 'Brougham, who is sitting every day at the Privy Council, is always growling at him [Durham] sarcastically, and was much pleased when news came of the fresh outbreak in Canada, and his disappointment was equally evident when he heard it was so rapidly quelled. He was reading the newspaper in my room when Denman came in and announced that young Ellice was released, and the insurrection suppressed. Brougham did not take his eyes off the paper and merely muttered, "It will soon break out again".'[2]

Brougham was chafing these days at the Radical play for Durham, which seemed to be the only thing that could spoil his game. He may have extracted comfort from Paley's *Natural Theology*, which he was editing—and improving—while at the same time he was translating Cicero's *De Corona*, editing a volume of his own speeches, and writing his *Statesmen and Philosophers of the Reign of George III*.

Melbourne was much more displeased. This Durham excitement was threatening him from both outside and inside his political household. Greville, who disliked Durham quite as much as Melbourne did, wrote: 'If notoriety upon any terms could satisfy anybody, Lord Durham would have ample reason for contentment, as his name is in everybody's mouth, and the chief topic of every newspaper and political periodical.'[3] Melbourne was still determined not to 'court

[1] *Morning Chronicle*, Dec. 8, 1838 (from *Exeter Post*).
[2] Greville, pt. 2, i. 141–2.
[3] Ibid. i. 141 (Dec. 6, 1838).

and truckle',[1] but he appeared to be willing to do anything short of that. He went down to London to be there when Durham arrived, but Durham was loitering along the way—receiving ovations. Durham and his Glasgow creed, democracy, the middle class, this ranting about Reform—how Melbourne despised it all! Durham had been in a great hurry to leave Canada in order to lay important information before the British Government, but here was the British Government preserving its soul in patience until His Excellency was through with his triumphal tour! (As a matter of fact, the Canadian cause was being served very well by keeping Melbourne on tenter-hooks.)

When Durham reached London on the 7th to begin—or resume—the writing of his Report, he found at his house a duplicate of Glenelg's dispatch conveying the Queen's displeasure at his proclamation.[2] The language was severe enough, but bringing the Queen into it was particularly galling. A fresh wave of anger swept over him. He must control it. What he could do for Canada was the great consideration, and that would not be helped now by an attack on these contemptible ministers. But he would not meet them personally. Political action was one thing; personal intercourse was another matter.

The Government selected as their emissary E. J. ('Ben') Stanley. He was not a minister, but was chief government whip and Secretary of the Treasury. He had been at one time private secretary to Lord Durham and, like every man who had served him in that capacity, was devoted to him and enthusiastic about his ability and personal kindness. He had been a disciple of Durham in the days of the Reform Bill, and when invited to serve under Melbourne he had written to Durham stating that he would not do so without the latter's express approbation. Stanley saw him on the 8th and apparently they talked things over in a general manner. Durham was 'calm and quiet enough', but did not conceal the fact that he had been deeply hurt. 'He expressed no animosity or resentment against any one, but said that he thought the Government had acted towards him with

[1] *Melbourne Papers*, p. 440, Melbourne to Russell, Dec. 4, 1838.
[2] See p. 457, *ante*.

ill-will, and that he had been made an object of persecution.'[1] Melbourne probably found this strange calmness as disturbing as any feature of the situation. Durham calm! and under such circumstances! Surely they were becoming invested with mysteries. Whatever might come, Melbourne would stand up to him. He appreciated the advice of the Duke of Richmond who had stood up to Durham during the stormy scenes in the Grey Cabinet over the Reform Bill: 'Be steady, be very firm with your ex-Governor, or there will be the devil to pay.'[2]

On the 10th Lady Durham, feeling the situation keenly, wrote to the Queen, resigning her position as a lady-in-waiting. She took this action on her own initiative, Lord Durham attempting neither to encourage nor to dissuade her. 'They [the Ministers] behaved most shamefully about the Queen, which rendered Louisa's resignation quite necessary.'[3] Lady Durham wrote to her mother: 'We did not come down intending to take this step and Lambton was prepared to be of what use he could to the Ministers.' But after the dispatch which they sent him 'expressing the Queen's disapprobation', there was no other course to pursue. In subsequent letters she wrote:

> 'I feel a most sincere interest for the Queen and regret that any coldness should exist with her personally, but she is entirely in Lord Melbourne's hands, of course sees with his eyes, and I don't see how I could have kept my place about her without putting her in an awkward situation. . . . It grieves me very much that the breach should be so decided with some of the Cabinet, but I must own with regard to Lord Melbourne that I do feel great resentment, and I don't think I shall ever be able to forgive him. I think his conduct from the moment Lambton quitted England was base and ungenerous to a degree. . . . Ld. John Russell is the only one among the Ministers who has written a kind letter in the whole proceeding. It does seem hard that the result of an undertaking entered upon with most generous motives, at great sacrifice and risk, should be complete desertion and proscription. . . . I cannot tell you how I long to have everything known that has taken place with respect

[1] *Melbourne Papers*, pp. 440–1, Melbourne to Russell, Dec. 8, 1838.
[2] Ibid., p. 442, Melbourne to Russell, Dec. 11, 1838.
[3] Lambton MSS., Dec. 21, 1838.

to Lambton. The private letters from Ld. Melbourne and Ld. Glenelg approving of the ordinance[1] can never appear, but I think enough must come out to make his course very triumphant.'[2]

Demonstrations in support of Lord Durham were being rapidly organized throughout the country, and wherever Reformers met his name was cheered. This popular movement, which had gained ground so quickly, offered him revenge on the ministers who had betrayed and insulted him, a splendid opportunity for personal vindication, and the chance of becoming Prime Minister. People were already speculating as to who should hold certain offices when Lord Durham came into power.[3] From the standpoint of English politics, such a course was fraught with serious questions; from the standpoint of Canada there was no question at all. It would take time; but the Canadian situation, since the outbreak of the second insurrection, demanded that radical changes should be effected immediately. His mind was all aglow with the conceptions which he was writing into his Report and which alone could save Canada for a prosperous future and create an Empire more glorious, because more free, than any that had been conceived before. But what chance had such a Report in the immediate future if he allied himself with those who were seeking the overthrow of Melbourne? A permanent bond of Empire on the basis of Responsible Government! The Melbournites—Russell, Lansdowne, Poulett Thomson, Howick, Duncannon—might be converted to it, but these Radicals never.[4] If the ultimate success of such a movement should carry Durham to the Premiership, most of his followers would be men who had no use for the idea of a permanent imperial connexion, and since they were doctrinaires of the most obstinate type, they would not be brought into line. No, the fate of his Report, of Canada, of

[1] See pp. 438–9, *ante*.

[2] Lambton MSS., Lady Durham to Lady Grey, 'Monday', 'Friday', 'Tuesday' [Jan. 10, 14, 18, 1839].

[3] Pierce, *Memoirs of Charles Sumner*, ii. 58.

[4] Molesworth was converted and did yeoman service in support of Durham's ideas, but he was an exception among the Radical leaders. Even at this time he did not agree with them that colonies were good things to lose. See p. 318, *ante*.

the Empire that was to be, was bound up with that of the Melbourne Government. He despised, and in his present mood probably hated, them all personally, and ambition and the honours of the day were as dear to him as to any man. But whatever might happen to himself, he had set his hand to the plough and he would not turn back, he would fulfil his promise to the people of Canada, he would follow his vision. In doing so he was accounted a fool by his best friends. Among others, Buller and Wakefield, thinking mainly of his political future, urged him to accept the Radical leadership and even to join with Brougham to overthrow Melbourne.[1]

That was the situation irrespective of his recommendation of the union of Upper and Lower Canada, which had not been finally determined upon, and may have been to some extent the result of the fact that he was as much dependent upon Melbourne for the other recommendations of the Report, as Melbourne was upon him for the life of his Government. Melbourne was averse to placing a provincial legislature (even in a federal scheme) in the hands of the French, the legislative union of the two Canadas had been advocated in the leading government newspaper, and the Montreal merchants, who regarded it as a matter of life and death, were in close touch with the Ministers through the English firms interested in the Canada trade.

Although Durham was in no hurry to declare his unwillingness to oppose the Government, an address from the Westminster Reform Association forced his hand. The address itself was innocent enough. It was of the usual complimentary order and the principles professed could be readily accepted. But the newspapers carried accounts of the meeting itself in the issues containing the address. The freedom with which these ultra-Radicals discussed their champion—one referred to him as a 'trump card' and another said that 'he considered all public men great humbugs but Lord Durham was as little a humbug as could be found among them'—might be overlooked. But the principles advocated went far beyond those of the address and were capable of being interpreted as favourable to Chartism,

[1] *D.P.* 6, iii. 414.

then in its physical force stage and regarded as a menace to the foundations of social order. Practically every speaker made a declaration against the Government. One said that 'there was little doubt but that the noble earl would stand in opposition to the Ministers', and another hoped that Durham and Brougham would form a political alliance. After reading the reports of the meeting Durham refused to receive the deputation that was to present him with the address. 'I will not pretend ignorance of ulterior designs on the part of those who agreed to the address, which are completely at variance with the objects and principles to which I have adverted.'[1] He ultimately accepted the address after receiving a letter in which the officials of the society explained that they did not accept responsibility for the sentiments expressed at the meeting.

This was sufficiently discouraging to the anti-Melbourne Radicals. Lord Durham worked hard at his Report and declined all invitations to speak at public meetings. Charles Buller wrote in the concluding section of his sketch of the Canadian mission:

> 'Many of those who enthusiastically rallied around him on his return, have since reproached him that he threw away the opportunity of complete justification and satisfaction, and refused to take that position in the political world that seemed to invite him. But this course he took after full and anxious consideration, and took I think as wisely as I am sure he did it honestly. Abstaining from all public part in general politics, he reserved himself for Canada alone.'[2]

In the meantime, Lord Duncannon had written asking to see him. Duncannon, a member of the Cabinet, had been Durham's colleague on the Reform Bill committee, was a brother of Lady Grey, had reconciled Grey and Durham after their quarrel in 1833, and frequently acted for the Government in delicate situations involving personal relationships. Durham replied to him that he could have no communication with any member of the Cabinet who had treated him so scandalously. A little later an attempt was made, at the suggestion of Henry Stephenson, to bring Lord Durham

[1] *Morning Chronicle*, Dec. 14, 15, 1838.
[2] Buller, *Sketch*, pp. 363–4.

and Lord John Russell together. These two, never intimate, had always respected and admired each other, and Durham had recently written to Russell a warm letter of appreciation of his speech on the Ordinance, in which he implied that Russell was the only member of the Cabinet who had treated him decently. This good feeling between the two men who had made the Reform Bill was to assume historical importance in the establishment of a new order in Canada. But nothing came of the attempt to bring them together at this time. Durham adhered to his position in regard to personal relationship with members of the Cabinet until the middle of January, when he consented to see his brother-in-law, Lord Howick, and Lord Duncannon. It is not likely that family influence effected this, because Lady Durham's letters show that she was more bitter against the ministers than her husband, but the relationship made it easier for Durham to relent. Following this meeting, which proved to be quite amicable, something of a political entente was established. Durham had desired that in any case for the sake of his Canadian policy, but it had been difficult to effect so long as he drew the line in regard to a personal meeting. Even the Turton difficulty was overcome by agreeing to a statement which saved the pride of both Durham and Melbourne.

From his arrival in London, December 7, Durham had been working hard on his Report. Some of its analytical sections were probably written in Canada, but it is clear from Buller's *Sketch* that the constructive part was written after his return to England. He declined a number of private as well as public invitations on account of this work, and even refused to allow himself any Christmas vacation. The Government, who probably thought it was farther along than it was and had no idea that it was so lengthy, were constantly pressing him. He assured them that it would be ready by the opening of Parliament, and he kept his promise. Lady Durham remarked in her journal that 'he worked incessantly until he had completed the Report'. Speaking later in the House of Lords he said that he had finished the Report before the meeting of Parliament 'at the cost of considerable labour and much anxiety of mind'. He wrote to his brother Hedworth: 'I am devoting myself to the

winding up of my Canadian business', and to Charles Grey: 'I am, and all the staff, working very hard to get my Report as High Commissioner ready for the meeting of Parliament'.[1] Lady Durham wrote to her brother: 'We have not stirred from town since we came. Lambton has been very busy getting up his reports,[2] but he has been very quiet and I am happy to say very well.'[3]

After Lord Durham had been already working on his Report in London for several weeks, Charles Buller, who returned from Canada, accompanied by Adam Thom, on December 22, attempted to reopen the question of federation —if indeed it had ever been closed. This appears from Edward Ellice's letters to Durham.

Ellice wrote, Sunday, December 30:

> 'I think of going up on Thursday to remain with you a couple of days before another visiting expedition to the north. I will then say all my say about Canada plans and should like, if there is no objection to it, to have a free conference with you, Buller, and Wakefield on this subject. If you see any objection to this, I will discuss them with you alone. In answer to a letter from Ld. J. Russell asking me to write my ideas on paper, either to Ld. Melbourne or Ld. Glenelg, I have told him that I wait to hear what you have to propose, with an anxious hope that I may be able to concur in your recommendations to the Government and to support them in Parliament. . . .'[4]

Ellice's next letter is dated merely 'Tuesday evening', probably Tuesday, January 8, after a delayed or protracted visit to London:

> 'My dear D.,—One word before I set off to say that C. Buller rather disturbed me last night by insisting very much on the recommendation of a Federative Union of all those provinces. Now admitting this course to be ultimately the best policy,— no man in his sober senses would advise, and no secretary of

[1] Lady Durham's Journal, p. 48; Lambton MSS., Dec. 21, 1838, Jan. 26, 1839.

[2] Although Lady Durham uses the plural, the work that kept him busy must have been the writing of the main report, as he had nothing to do with 'getting up' the reports of the sub-commissioners which were printed as appendices.

[3] Lambton MSS. Lady Durham to Charles Grey, Jan. 25, 1839.

[4] Lambton MSS.

state would act upon his advice, that a bill should be prepared for this purpose, without previously consulting the Legislatures of N. Scotia, N. Brunswick and U. Canada,—and if you will only give the loop-hole to the Colonial Office, they will of course avail themselves of it to defer a settlement until they have time to consult them,—or ad Graecas Calendas. . . .

'Your way of viewing the subject leads to very different conclusions,—an *immediate* settlement of the Canada question, to come into operation at the earliest possible period, as not only politic but absolutely necessary in the temper of many minds [?][1] in Canada,—but so framed as to be the foundation of the wider scheme if the colonies should think an union of the whole advisable to promote their interests and to secure their connexion with this country. If you decide on the main features of the lesser plan, Wakefield and Thom would work up the details for you.'[2]

In his next letter, written towards the end of January, Ellice says that he has not written, 'for I have nothing to add to what we talked about so fully in town'. He regrets Durham's inability to get off on a holiday to the country, but appreciates the fact that 'it is essential that you should get your work off your hands to enable you to have your mind and your time free for the House of Lords'. He is glad that Durham has seen Howick and Duncannon and hopes that they will support Durham's views in the Cabinet.[3]

As these are the only passages in Ellice's letters to Durham which refer to the latter's 'plan', and the two men did not meet except during the brief visit to London to which reference is made, Ellice's direct influence on the Report was limited to that occasion and the letter which followed. This was in the direction of confirming a decision which Durham had already made to recommend the legislative union of Upper and Lower Canada in the face of Buller's persistent advocacy of an immediate federation of all the provinces.

We have referred to Buller's later declaration that Lord Durham gave up his federation project because of the second insurrection and to the statement in the Report to the effect

[1] Ellice wrote a microscopic hand and took little pains to form his letters. These two words 'many minds' represent what I must acknowledge to be a guess.

[2] Lambton MSS., Ellice to Durham, 'Tuesday evening'.

[3] Ibid., 'Sunday' [Jan. 20 or Jan. 27, 1839].

that it was abandoned because it was dangerous at the time to give the French-Canadians control of a provincial legislature under a federal plan. But it may have been quite as much the influence of the second insurrection on the attitude of the British Government and electorate. If Durham himself was hesitant, the knowledge of the Government's position on the matter was decisive. He realized that the fate of his Report and that of Canada was bound up with that of the Melbourne Government. He had conceived a great imperial dream, revolutionary in its character, epoch-making in its scope. To some features of that—even its greatest, Responsible Government—he might hope to convert the Ministry. But in regard to giving the French-Canadians control of a Lower Canada legislature under any plan of government, they were adamant. As Melbourne put it, 'We can never suffer the French to govern or to have much influence in Canada again, and they being the majority in Lower Canada, this will make it difficult to establish anything like a popular government', and again: 'It is laid down by all as a fundamental principle that the French must not be reinstated in power in Lower Canada.'[1] Melbourne had behind him in that position the great majority of the British electorate, lamentably prejudiced against the French-Canadians and shocked now by two rebellions. Furthermore, what would happen to Lord Durham's recommendation of Responsible Government if it were accompanied by that of a federal scheme? That would mean the setting up of a French Cabinet in Lower Canada and the control of every department of a provincial government by French-Canadians. It would have provided the crowning argument against Responsible Government. And Lord Durham's Report would have interest to-day only as one of those magnificent wrecks that lie strewn along the by-ways of history. The recommendation of the legislative union of the two Canadas cleared Melbourne's difficulties, and also left the way open for Responsible Government and for an ultimate union of all the provinces into that nation of which Durham dreamed. The Great Reform Bill and Lord Durham's Report opened the gates to developments whose possibilities astound each

[1] *Melbourne Papers*, pp. 442–4, Melbourne to Russell, Dec. 11, 23, 1838.

succeeding generation. They did so safely and effectively, they produced neither tumult nor reaction because the principal author of both was not only one of the greatest of political visionaries but was wise enough to so frame his recommendations for immediate action that he secured the largest realization of his visions that was possible in the existing political situation. The Melbourne Government sympathized with Lord Durham's ultimate aims as little as had the Reform Bill administration, but the one as surely as the other—and as unconsciously—took irrevocable steps towards their fulfilment. By playing his game adroitly in the existing political situation, Lord Durham succeeded in placing first the people of Britain and then the people of Canada in a position from which they could control their own political futures. They justified his faith and completed the fulfilment of his hopes—and much more besides which even he could not foresee.

Proof-sheets of the Report were submitted to the Ministers on the 31st of January 1839 and it was officially presented to the Colonial Office on February 4. On the 5th Parliament met. All the excitement of a ministerial crisis prevailed, and Durham and his affairs were still the centre of attention. It was not yet known that negotiations had taken place between him and the Government, and all sorts of rumours were in the air. A political public, bewildered and animated, was on the look-out for every straw that indicated how the wind blew. Hardly was Parliament opened—the speech from the throne was not yet read—when Lord Durham was on his feet to ask when his Report would be laid before the House. Lord Melbourne replied that the Ministers would need some time for its consideration, and that he would bring it down as soon as possible.

On the 8th *The Times* printed a large section of the Report and announced that other instalments would follow. It was splendid copy. Lord Durham's Report could hardly have appeared under more sensational circumstances. And the sensation was enhanced by rumours that he had sent it to *The Times* himself. That day in the Lords he asked again when the Government intended to bring down his Report. 'He had seen with the deepest regret the publication of a

part and a part only of the Report.' Lord Melbourne replied that the whole of the Report would be laid before the House on the 11th. He said that the Government had now no choice in the matter and must present it all, since the newspaper in question undoubtedly possessed a complete copy.

There is a tradition to the effect that Wakefield sent the Report to *The Times*. One version has it that he feared that some parts of the section dealing with public lands, his particular field of investigation, were to be omitted and that he took the most effectual means to prevent that. Another story represents Lord Durham as giving his permission, then recalling it, and Wakefield replying, 'It has gone, my Lord'. But that is incredible in view of Lord Durham's statement in the House of Lords that he was not 'in any degree responsible or an accessory to the publication of the Report'. There were other places than the Durham camp from which a 'leak' may have occurred. Two thousand copies of the Report had been printed by the Government at Lord Durham's suggestion. They had permitted him to distribute some of these among his friends ('not more than half a dozen', Durham said). Durham had from the first intended that the Report should be published in full, and it is difficult, in view of their authorizing the printing of so many copies, to believe that the Government intended anything else. But parts of it were very frank, and Melbourne was probably well pleased when *The Times* forced his hand. It matters little who supplied *The Times* with a copy; the primary reason why the whole of Lord Durham's Report saw the light of day lay in a political situation, largely of Brougham's making, in which the Government was dependent on Lord Durham's support.

On the day *The Times* began the publication of the Report Lord Glenelg made an announcement. It is seldom that a minister rises in Parliament to state that he has been dismissed from office at the request of his colleagues, but that substantially was what Glenelg did. He had been offered another position in the Cabinet, but had refused it. The public, realizing by this time that the Government and Durham were working together, believed that Glenelg had been offered as a sacrifice to appease the wrath of the

'dragon'. Wakefield reflected another interpretation in a letter to Durham: 'Below the bar of the Lords yesterday, Ld. Glenelg's resignation was considered a great triumph for you. It was said "The Report has shot him; who'll be the next?"' The inside story is that some of the ministers, and more especially Howick and Russell, who were presumably the most favourable to Durham, had been for some time disgusted with Glenelg's conduct of affairs in the Colonial Office. Just at the time when the Report was first presented to them, Glenelg and Howick clashed on Jamaican policy and Howick threatened to resign unless the colonial policy of the Government was placed on a sound basis, which was understood to include the dismissal of Glenelg. Russell stated that he would resign if Howick did. Then notice was served on Glenelg. Melbourne told the Queen that although he knew that Glenelg was incompetent, he would have retained him in office if it had not meant the break-up of the Ministry.[1]

Three days after this last sensation Melbourne laid the Report before the House of Lords. The Tories were still sniping at Durham. They rang the changes on the question —how did the Report get to *The Times*?—as though it were a great national issue, and their insinuations were as insulting as urbanity and mock-courtesy could make them. Then there was the eternal question of the expenses of Lord Durham's mission. A few days before, in the Commons, the old tale had been unfolded and a demand made that every champagne cork should be accounted for. Durham had stated that his personal expenses had all been paid out of his own purse, that he had refused a salary, and that he was £10,000 the poorer as a result of the mission. Now the Marquis of Westmeath stated that since Lord Durham made a claim of £10,000 against the Government perhaps the matter should be looked into. It would be too bad if the noble earl were not recompensed since (in a supreme flight of sarcasm) 'for aught he knew the Report was cheap at £10,000'.

Lord Durham replied that he wished 'to set the noble marquis right, if the noble marquis chose to be set right'. He had not said that he had a financial claim against the

[1] *Girlhood of Queen Victoria*, ii. 110 seq.

Government and would never think of presenting the matter in that light. He had simply made an explanation in regard to his personal expenses.

> 'Was this the mode in which their discussion and their debates relating to Canada were to be carried on? If noble lords wished to indulge in personalities, he offered himself to them to pursue the course which seemed the best. Let them say of him what they pleased; let them set apart one day for personal attacks; but then let these things be finished, and then let them come to this great and important question and the mighty interests involved in it without any intrusion of low, petty and personal feelings.'

On this day that saw the presentation of Lord Durham's Report to Parliament *The Times* published its third instalment. Other English papers were already printing it, and within a few months it was to appear—in part or in full—in serial form in the columns of Australian as well as Canadian newspapers. It was very different from the ordinary dry-as-dust state paper. It was free from the clap-trap of political speeches; it was lucid, spirited, forceful. Its facts and arguments were marshalled with a clarity and power which the common man could appreciate and admire. It maintained throughout a grandeur of style, thought, and spirit, and was as remarkable for an easy and natural eloquence as it was for an absence of forced sentiment and purple patches. Its faith and patriotism were as sane as they were inspiring. The common people received it the more enthusiastically because it was the work of one of their heroes. Britishers overseas adopted it as the corner-stone of Empire.

XXII

LORD DURHAM'S REPORT

Lord Durham's Report has never lacked high praise. In our own day competent historians, accustomed to write in a judicial spirit and chary in the use of superlatives, have referred to it as 'the Magna Charta of Canadian liberties', 'the Magna Charta of the colonies', 'the most valuable document in the English language on the subject of colonial policy', 'the most notable of British state papers', 'the most important document that has ever been presented relative to British America', 'that greatest of all documents ever published in regard to colonial affairs', 'the recognized source of the prosperity effected in Canada since the union'; and stated that it 'laid the foundations of a reasonable and practical colonial policy', 'has been the salvation of the Empire', 'broadened once for all the lines of constructive statesmanship in all that relates to the colonial policy of England', 'laid down the fundamentals of colonial liberty that have given to British imperialism whatever qualities of endurance it possesses', 'entitles him to the title of the greatest colonial statesman in British history', that all the self-governing dominions owe their freedom to it, and that 'the importance of the great Report can hardly be exaggerated.'[1]

All of these statements are literally true. Lord Durham's Report is more than the charter of Canadian democracy and self-government, the corner-stone of the first British nation beyond the seas. It is the great watershed of British imperial history. It is one of the few events of world-history of which one can say that this is the beginning of something absolutely new under the sun. When the unique type of empire which it created has completely worked out its destiny, it will be time to venture a final estimate of the significance of this Report.

But in its very greatness there lurks a peril for the student of history. Writers endeavouring to establish some particular interpretation of the facts of Canadian or imperial history frequently quote from Lord Durham's Report with

[1] These quotations have been selected more or less at random from the shelves of my own library. Similar statements are so frequent in modern historical literature that further search would be a waste of time.

a flourish as if to say 'That proves it'. Their readers need to be warned that although the principles of the Report belong to the immortalities, its record of historical facts is frequently misleading. It must be remembered that Lord Durham was not an historian, that he was only five months in Canada, and that although he had access to most important documentary sources, the whole period from his appointment as High Commissioner to the presentation of his Report was one year and sixteen days, crowded with practical problems, complicated politics, drama, worry, and illness. The result so far as historical accuracy is concerned is about what might be expected of a man of industry and analytical power, assisted by able lieutenants, but neither he nor they gifted in the arts of research and criticism. When the facts—real and supposed—passed from the stage of investigation to that of expression and description, they were further transformed by that habit of exaggeration which was the concomitant of Lord Durham's remarkable imagination and temperament. From this point of view, the worst part of the Report was the section on Upper Canada, in which province Lord Durham spent only ten days. Buller and some of his other assistants saw more of Upper Canada, and it may be assumed that they supplied the information in regard to that province. It is apparent that they picked it up from Reformers with the same facility with which they absorbed the Reform point of view. This section contains so many inaccuracies that the teacher of history, who is concerned only with facts, might do well to keep his students away from it altogether. But for those to whom the history of opinions is of equal value with that of facts, the section possesses an historical value, quite independent of those higher qualities which the Report reflects in almost every page; it is a remarkably clear presentation of the Reformers' interpretation of the political situation in 1838 with its historical background. It also contains a diagnosis that is more accurate than the history. And, even on this factual side, there is, when critically sifted, a mass of valuable information in the Report. For the British Government and people at the time, woefully ignorant in regard to Canada, its informative value far outweighed its misleading features.

But the greatest weakness of the Report—all the more striking because it marked Durham's only failure in the sphere of political prophecy—is its treatment of the French-Canadians. Lord Durham was a statesman of great breadth of view, but he was not that Utopian monster—a man without a prejudice. The British merchants in Lower Canada took him at a disadvantage with their constant talk of the conflict being essentially a racial one and the only remedy a policy of anglifying the French-Canadians. Durham came to Canada with the prejudice of the British ruling class against the French-Canadians as a rebellious and contumacious race and an intense English feeling which sometimes closed the door to broader sympathies. This attitude was strengthened by the statements of the Radicals, the one group in England who sympathized with the French-Canadians. They had raised the cry 'emancipate your colonies'. Hume and Roebuck, who were known to be in constant touch with the French, had attributed to the latter their own desire that they should be freed from the fetters of British rule. In the weeks following the Lower Canada rebellion of 1837 these Radical leaders and their friends had repeatedly represented it as a rising of the *whole* French-Canadian people, who were desirous of establishing an independent republic on the banks of the St. Lawrence. It never occurred to Durham to doubt these statements—were not Hume and Roebuck the 'friends of Canada'?—and he ultimately wrote these fallacies into his Report and marred what was in many respects a brilliant analysis of the situation in Lower Canada.

He over-estimated the racial factor in the conflict and under-estimated the economic, and even the constitutional. In relation to the economic situation, too, he was subject to a common failing of being unsympathetic on the reverse side of his enthusiasms. As the British statesman who saw most clearly and most gladly the vivifying effects of the Industrial Revolution on the British body politic, he saw many passing sights in Lower Canada that suggested nothing but elimination in the interests of progress. He saw in the aggressive British merchant-leaders of Montreal and Quebec the hope of the province, and he allowed them to give him

an exaggerated conception of the backwardness and hopelessness of the French. He failed to realize that with their different outlook the French-Canadians had essential contributions to make to that nation of which he dreamed so nobly.

He paid the French-Canadians some sincere compliments. 'They are mild and kindly, frugal, industrious and honest, very sociable, cheerful and hospitable, and distinguished for a courtesy and real politeness, which pervades every class of society.' In religious matters 'a degree of practical toleration known in very few communities has existed in this colony [Lower Canada] from the period of the conquest down to the present time'. The Catholic priesthood 'have, to a very remarkable degree, conciliated the goodwill of persons of all creeds; and I know of no parochial clergy in the world whose practice of all the Christian virtues, and zealous discharge of their clerical duties, is more universally admitted, and has been productive of more beneficial consequences'. One paragraph is so sympathetic with the French that it might almost have been written by one of themselves, but it is followed almost immediately by a description of their unprogressiveness that is so extreme that it would seem almost impossible that the French-Canadian people could ever forgive the man who wrote it into a Report which he was determined to publish as a standard British interpretation of French Canada. But the generous recognition by French-Canadians in recent years of the greatness of Lord Durham's contributions to Canadian history is one of the many evidences that they and we have been able to build a nation finer spiritually than even he dreamed that it might be.

He was entirely mistaken in regard to the ease with which the French might be anglified. That attachment to their ancient institutions which, in his political realism and zeal for progress he so easily despised, has proved to be so tenacious that every assault upon them has only served to strengthen them. In this subject alone of those which Lord Durham dealt with during his whole life he failed to be the man of the future and was simply the man of his day. That day knew little of the toughness of nationalism as compared

with our understanding of it. British Imperialism had had no previous experience with a people of European origin so deeply rooted in a country which, though conquered, was that of their nativity and their creation. The analogy which he pretended to find in Louisiana was pitifully inadequate to the situation. The French-Canadians may have suffered from some of the deficiencies which he ascribed to them, but they more than made up for those by a pride which he failed to understand and which we, their neighbours and compatriots, are only beginning to appreciate at its true worth. Short as was the period of his stay in Canada, he might have learned to know the French better, and what the historian finds it much harder to forgive than the prejudices to which he was subject is his failure to establish more vital personal contacts with them.

But if to Durham's love for democracy there had been added the most thorough-going sympathy for the French-Canadians, those feelings would not have led so sound a political thinker to apply his great recommendation of Responsible Government to Lower Canada so long as it stood alone as a separate province. He was no doctrinaire prating of 'self-determination' under all circumstances. He would still have seen that no one's happiness could have been served by granting self-government—even subject to the imperial reservations which he suggested—to a province on the Lower St. Lawrence, dominated by a people different in race and their whole point of view from the inhabitants of that larger territory whose entry and exit to the world were formed by that river. The primary recommendation of the Report was Responsible Government, but it was made conditional on the union of Upper and Lower Canada. Ultimately the Canadian people found in federation—with the interests dear to the French-Canadians conceded to the provincial government and 'trade and commerce', 'navigation and shipping', banking and all means of interprovincial communication assigned to the federal government—the better solution to this difficulty, satisfying alike the French agriculturists, the British merchants, and the larger national interests. Durham himself was one of the pioneers of the federal theory, but he had to find an immediate solution;

federation was not practicable in his day, and so he turned to the union of the provinces. The policy of the Union was a sound one, in spite of the mistaken hope of anglifying the French. In itself the Union was a vast improvement over the previous situation; without it, neither Responsible Government in the 'forties nor Confederation in 1867 would have been possible.

With the exception of the anglifying of the French-Canadians, the recommendations of the Report were so well adapted to the situation that the passing of the years has only added to the appreciation of their wisdom. They undergird the life of Canada to-day at almost every point, and are reflected wherever British nations pursue their destinies under the inspiration of self-government and imperial partnership. They belong not only to our past, but to the larger future that beckons us. As we go back nearly a hundred years and follow the sweeping sentences in which they were advocated we find little that is offensive to our twentieth-century sentiments, and we seem to be reviewing political principles that bear the aspect of eternity.

The feature of the Report that is most commonplace now and was most revolutionary then is the recommendation of what has come to be known as Responsible Government. As no definition of what Lord Durham recommended in this respect can be adequate that does not follow the actual words of the Report, we quote here a few of its most significant passages:

'The wisdom of facilitating the management of public affairs, by entrusting it to the persons who have the confidence of the representative body, has never been recognized in the government of the North American colonies.'

Turning from this to the system of government prevailing in Great Britain he speaks of

> 'that wise principle of our Government, which has vested the direction of the national policy, and the distribution of patronage, in the leaders of the Parliamentary majority. . . .
>
> 'It is not difficult to apply the case to our own country. Let it be imagined that at a general election the Opposition were to return 500 out of 658 members of the House of Commons, and that the whole policy of the ministry should be condemned,

and every Bill introduced by it rejected by this immense majority. Let it be supposed that the Crown should consider it a point of honour and duty to retain a ministry so condemned and so thwarted; . . . and, I think, it will not be difficult to imagine the fate of such a system of government. Yet such was the system, such literally was the course of events in Lower Canada, and such in character, though not quite in degree, was the spectacle exhibited in Upper Canada, and, at one time or another, in every one of the North American colonies. To suppose that such a system would work well there implies belief that the French Canadians have enjoyed representative institutions for half a century without acquiring any of the characteristics of a free people; that Englishmen renounce every political opinion and feeling when they enter a colony, or that the spirit of Anglo-Saxon freedom is utterly changed and weakened among those who are transplanted across the Atlantic. . . . I know not how it is possible to secure that harmony in any other way than by administering the government on those principles which have been found perfectly efficacious in Great Britain. . . . In England . . . when a ministry ceases to command a majority in Parliament on great questions of policy its doom is immediately sealed. . . .

'Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the Colonial Governor to be instructed to secure the co-operation of the Assembly in his policy, by entrusting its administration to such men as could command a majority; and if he were given to understand that he need count on no aid from home in any difference with the Assembly, that should not directly involve the relations between the Mother Country and the colony. This change might be effected by a single dispatch containing such instructions; or if any legal enactment were requisite, it would only be one that would render it necessary that the official acts of the Governor should be countersigned by some public functionary. . . . Nor can I conceive that it would be found impossible or difficult to conduct a Colonial Government with precisely that limitation of the respective powers which has been so long and so easily maintained in Great Britain. . . .

'I admit that the system which I propose would, in fact, place the internal government of the colony in the hands of the colonists themselves; and that we should thus leave to them the execution of the laws, of which we have long entrusted the making solely to them. Perfectly aware of the value of our

colonial possessions, and strongly impressed with the necessity of maintaining our connection with them, I know not in what respect it can be desirable that we should interfere with their internal legislation in matters which do not affect their relations with the Mother Country. The matters which so concern us are very few. The constitution of the form of government—the regulation of foreign relation, and of trade with the Mother Country, the other British colonies, and foreign nations—and the disposal of the public lands, are the only points on which the Mother Country requires a control. . . . The colonists may not always know what laws are best for them, or which of their countrymen are the fittest for conducting their affairs; but, at least, they have a greater interest in coming to a right judgment on these points, and will take greater pains to do so than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the Empire. . . . The British people of the North American colonies are a people on whom we may safely rely, and to whom we must not grudge power.'

The core of this recommendation is the adoption in British North America of the full system of British Cabinet Government—the establishment of a ministry controlled by Parliament, as Parliament was already controlled by the electorate, a ministry resigning or appealing to the people whenever it had clearly lost the support of a parliamentary majority. The Canadian people were to be permitted to govern themselves in matters of purely Canadian concern, in precisely the same way as the British people governed themselves. That central idea recurred time and time again in the Report. In the way of necessary machinery Lord Durham emphasized the issuing of instructions to Governors that they were to select as advisers only those who possessed the confidence of a parliamentary majority, the reorganization of the Executive Council so that it would consist, as did the British Ministry, of heads of governmental departments, and the adoption of the British rule that every official act of the Governor must be countersigned by a responsible minister. Recognizing that the new system must rest on practice and not on law, and that the maintenance of practice must depend on the Canadian people themselves, he recommended that the British Government should give no support to a Governor

who found himself in conflict with a Canadian parliament on a Canadian question. Under these circumstances the Governor would be obliged to come to terms; and Lord Durham suggested that if the British Government, having once conceded the principle, were tempted to falter in its practice, they would be subject to the pressure of Canadian public opinion which could not under those circumstances be successfully defied and the operation of which, if a national union were ultimately formed, would be immediate and unquestioned.

But we must be on our guard against two fallacies, one that Lord Durham recommended in 1839 the Cabinet Government of 1927, and the other that he supposed that the usages of 1839 were to constitute for Canada a 'finality' that was to undergo no development with the passing of the years. While in 1839 the principle was fully established in Great Britain that the King acted on the advice of ministers who assumed responsibility for his actions, and who must be able to secure the support of a majority in the House of Commons, the sovereign exercised a personal control over the selection of such ministers which he does not exert to-day. Few Prime Ministers before that date had been able to secure from the King the appointment to ministerial office of all the men whom they desired to have. Some of the ablest statesmen of the time, including Charles Fox, had been excluded from cabinets because the King, for personal reasons, would not appoint them. When Lord Durham himself was selected for Cabinet office with the incoming of the Grey administration in 1830, he considered it to be a happy event worthy of comment that the King had given Lord Grey *carte blanche* in the matter of appointments. When Lord Melbourne formed his second administration in 1835, which was still in office in 1839, it was generally believed that the King would refuse to appoint either Lord Durham or Lord Brougham if Melbourne suggested them. The sovereign also exercised a wider choice in the appointment of the Prime Minister. To-day—except in very exceptional circumstances—usage always points to a particular individual whom the King shall invite to form a ministry. In Lord Durham's day he might select anyone, so long as the man

selected could form a ministry which could secure a House of Commons majority. That difference may be largely due to the fact that the absence of the rigid party organization of the present day made it possible then for any one of a number of men to succeed in such a task, but certainly the King was afforded the opportunity of making a personal selection. According to constitutional usage at that time, the King might even dismiss a ministry that enjoyed the support of a majority in the Commons and ask the leader of the Opposition to form a government in the hope that he could secure such a majority; to-day the King does not dismiss ministries.[1] In 1835, Peel, leader of a party that was in a minority, formed a ministry, applied for a dissolution and, after the new Parliament met, was defeated both on the election of the Speaker and on the Address. No Prime Minister to-day would remain in office under those conditions, but Peel did so for several months, hoping to win over enough support to give him a majority. The historian of to-day may select 1835 as the date at which such practice terminated, and point out that both King and Prime Minister had learned their lesson through bitter experience. But that was not so apparent at the time. The correspondence of ministers and their friends shows that throughout the life of the second Melbourne Government the ministers feared that William IV would again dismiss them, turn the Government over to Peel or Wellington, and grant the latter a dissolution and thereby the opportunity of securing a majority from the electorate. In 1839, then, the rule prevailed that the sovereign must act with the advice of ministers who as a body assumed full responsibility for the King's government, who must secure the support of the majority in the House of Commons and must either resign or appeal to the electorate when it was clear that they had lost that majority, but so long as that rule was observed, the King exercised his own initiative in the selection of such ministers and in affording them very ample opportunities of securing the majority

[1] The above statement does not stand or fall with the answer to the question whether or not William IV dismissed the first Melbourne Ministry. I believe that he did. But there can be no doubt that such action was considered constitutional at the time. The only objection taken was to the *manner* in which it was believed that the dismissal had been made.

which they required; he might even dismiss a ministry who enjoyed the support of a Commons majority, if he could find another who could secure it.

We have called Lord Durham's recommendation for Canada of the British system of Cabinet Government under parliamentary control Responsible Government, because it was by that name that it came to be known historically, especially in Canada and those other Dominions which were to achieve self-government through its practice. But in the section of the Report in which that recommendation was made, it was not referred to as 'responsible government', and the use of the term 'responsible' in the Report is loose, general and varied, just as it was in popular parlance at that time, both in England and Canada. The refusal of a Civil List is referred to as a means of subjecting the officials to 'responsibility', popular leaders are said to be relieved of the 'responsibilities of opposition', and attention is directed to the prosperity of the United States 'under an eminently responsible government'. Lord Durham must have known that in the United States the Executives, as well as the Legislatures. were directly responsible to the people through popular election, and that there was an entire absence of that responsibility of the Executive to the people's representatives in the Legislature which he was attempting to establish in Canada, and which has come to be known in the British Commonwealth as Responsible Government; and there are clear indications in the Report that he was consciously diverting the government of Canada into British and away from American channels. He also knew that the Baldwins used the term in connexion with ideas very similar to his own,[1] he was probably aware of the fact that since the previous July Francis Hincks had been doing the same thing in the pages of the *Toronto Examiner*, and he apparently believed, though mistakenly, that the Upper Canada Reformers generally employed the expression in that sense.[2] But he was so much concerned that his readers should understand the substance of this, his cardinal recom-

[1] For the divergences between the views of Robert Baldwin and the recommendations of Lord Durham see pp. 414–5, *ante*.

[2] See p. 572, *infra*, for Durham's statement on his not using the term.

mendation, that he refused to tie it up to a term that was liable to so many interpretations. The Reformers of British North America, however, seeing in the Report the great hope of the future, adopted it as a Magna Charta and accepted its principal recommendation as the classic expression of Responsible Government. Within a year after the publication of the Report, Joseph Howe's letters to Lord John Russell and Charles Buller's pamphlet on 'Responsible Government for Colonies', both based directly on Lord Durham's statements, had, along with Francis Hincks's *Examiner*, riveted upon the British world effectively and finally this meaning of the term 'Responsible Government'. Henceforward Responsible Government was government according to Lord Durham's Report.

By his successful recommendation of Responsible Government Lord Durham removed Canada's main political difficulty, the clash between an irresponsible Executive and an elected Assembly, placed the Canadian people in a position to remedy their other evils and solve their own problems, created an effective Canadian democracy for all time to come, established the full British constitutional system, and laid the foundation of Canadian self-government.

The question of *self*-government brings us to the consideration of the third aspect of the triple relationship involved in the setting up in Canada of Cabinet Government under parliamentary control. In addition to the relationship of ministers to Parliament and the King to the ministers which prevailed in England, there was in the case of Canada a third relationship, that of the Canadian Governor to the British Government. If the full British system was to be adopted in Canada, the Governor would bear the same relationship to his Canadian ministers as the King did to his British ministers. But while he was to be the analogue of the King in Canada, and act on the advice of ministers responsible to a Canadian Assembly, he was an official appointed by the British Government and responsible to that Government for his Canadian administration. Was the dual role practicable? That difficulty was one of the reasons why the British ministers had refused to give serious consideration to Robert Baldwin's proposals in 1836. They felt that the

British system was possible only in a sovereign state, impossible in a colony. Baldwin himself pretended that no difficulty existed; the Canadian ministers would be responsible only for the advice they gave the Governor, and the British Government, while it would usually concede to Canadian opinion, would, if necessary, always have the means of asserting its supremacy and of securing through its Governor what it insisted on. But Baldwin was always better at conceiving theories—and there the British Empire owes him an imperishable debt—than he was in applying them to actual conditions. If, after the system of Responsible Government was once established, the British Government attempted to force action through its Governor, for which no Canadian ministry with a majority in Parliament would assume responsibility, the Governor would either have no ministry at all or an irresponsible one, Responsible Government in Canada would have reached a *reductio ad absurdum*, and a conflict would be created between the British Government and the Canadian Parliament which might be more dangerous to imperial unity than the old conflicts between the irresponsible oligarchic Canadian Executives and the representatives of the people.

Lord Durham recognized the difficulty and met it in his simple direct manner. He drew a line between Canadian and Imperial questions. In matters of purely Canadian concern, Responsible Government was to operate fully and the British Government was to give no support to a Governor who found himself in conflict with a Canadian Parliament. In such matters the Canadian people were to govern themselves without any restriction. They would have the assistance of their Governor so long as he avoided such a conflict. But the ultimate seat of authority would be the Canadian Parliament, which to all intents and purposes would be, so far as Canadian questions were concerned, a sovereign legislature controlling executive action. In Canadian matters Canada would enjoy full executive self-government as well as legislative self-government. Downing Street and Westminster were to keep their hands off. He was too wise to put it that way, but that was what he meant. He took what was originally a Canadian idea and transformed it into a

measure of self-government such as no Canadian had dreamed of. On the other hand, in matters of Imperial concern the British supremacy was to be maintained.

The distinction between Imperial and Canadian matters was not to be a vague one. He drew the line. 'The constitution of the form of government—the regulation of foreign relations, and of trade with the Mother Country, the other British colonies, and foreign nations—and the disposal of the public lands, are the only points on which the Mother Country requires a control.' In specifying these particular points Durham undoubtedly followed the suggestion of Buller, who had made the same reservations—with the exception of the constitution-making power which he took for granted—in drafting a constitution for New South Wales immediately before leaving for Canada.[1] Although Buller had not dreamed of Responsible Government when he made the New South Wales suggestion, which was merely a legislative restriction for a colony about to be granted representative government for the first time, the topics selected fitted in to Durham's scheme, and his suggestion to Durham that the latter's division should follow this line provided a most important feature of the Report. It afforded a practical answer to the strongest theoretical objection that could be urged against Responsible Government and completed the development by which this feature of the Report became a *modus vivendi* as well as a theory of government.

This line between matters of Imperial concern and matters of Canadian concern was broken down in the course of time—by the changing conditions and the further developments of Canadian nationalism. (In fact the actual line, as the Report defined it, was never recognized, but the distinction in practice between Canadian and Imperial affairs was recognized.) But, like the limitations of the Reform Bill in Great Britain, this suggestion served its day and made possible the great essential step toward a new era. The statement of imperial powers indicated in the Report, with the single exception of

[1] See E. M. Wrong, *Charles Buller and Responsible Government*, p. 19, where the similarity is indicated. Compare with Durham's words quoted above those of Buller in the 'Buller-Macarthur Constitution', Article XV, given in Sweetman, *Australian Constitutional Development*, p. 147.

the control of public lands by the British Government—and that was easily remedied—proved to be satisfactory at the time. The practical obstacles which Russell suggested seem to us now to have been trifling enough. They might, of course, have been more serious had it not been for a deep desire on the part of the Canadian people to maintain the British connexion if their essential needs could be satisfied. Lord Durham satisfied those needs and then trusted the future to the people of Canada, just as he had trusted it to the people of Great Britain in the Reform Bill. The confidence has been equally justified by history. Since the carrying out of his recommendations, the loyalty to British connexion and the ardent desire to harmonize nationalism and imperialism on the part of the people of Canada, and a rare blending of generosity, sweet reasonableness and practical good sense on the part of the people of Great Britain, have co-operated in perfect accord. Lord Durham provided the bridge on which they could meet, on which they could settle the problems of their future relationship as those problems developed, and over which, as the centuries pass, Britain and the British nations beyond the seas are destined to carry a larger and larger share of the responsibilities of modern civilization. He could not, of course, see that future in detail, but to suppose, as some writers have done, that he intended his definition of imperial and colonial powers to be a permanent one is to misunderstand his type of mind and to fail to recognize in him the pioneer of a new type of statesmanship. He had been the only one of the makers of the Reform Bill to argue against its 'finality'. He habitually thought in terms of a constantly changing world, and to him any true reform must be plastic and dynamic in character—conceptions which are commonplace to us but were still strange to his world of Whigs and Tories. For him two things only must be permanent, Canadian satisfaction and British connexion, and he succeeded in establishing both.

It would, of course, have been unwise for him to have speculated in his Report on the manner in which Canadian self-government might in the future develop beyond the limits which he suggested for it. But there is enough to indicate that the Canada of which he dreamed was to be not

simply a colony but a nation with a nationality, a patriotism, a pride of its own. He frequently employed the terms 'nation' and 'nationality', and spoke of 'a great and powerful people' who were to enjoy 'more of equality, of freedom, and of local independence', and who were to occupy a position in which there would be no feeling of inferiority to their neighbours. His vision was such that he was able to see what is obscure to a few Canadians as well as some Englishmen, even to this day, that a healthy nationalism within a healthy imperialism could alone keep Canada British, that a distinctively Canadian patriotism could alone preserve the boundary line between a *British* and a non-British North America.[1] He stands for all time between the little Englanders and the little Canadians on the one hand, and the little Imperialists on the other, as the prophet of the ideals on which our Empire's power and genius are built. For a moment, like all great innovators, he stood alone with this conception of nationality within an Empire, but within two generations there had sprung into being an Empire of nations, proud and self-conscious as well as self-governing, of which by virtue of his Report he was the creator as well as the prophet.

And so, having discovered the secret of Empire—that is, of Empire where men of European lineage are concerned—the keynote of his Report is that of a reasoned but passionate imperialism. That is the more striking historically because it emerged against a background where Britain sat aloof, conscious that the sun of her world-glory had been beclouded by the American Revolution, and without hope that it would ever fully emerge again; her most progressive political party preaching a gospel one of whose beatitudes was being well rid of colonies, and her other parties waiting with dignified patience until in the day of their maturity these colonies went their way of their own accord; her common people caring little about the matter at all except in some exciting period, when their pride was ruffled by some presumptuous colonials shooting at the British flag; and even her Colonial Office, while it tinkered at the old colonies as best it could, lukewarm about the acquisition of new ones and

[1] See particularly *Report*, pp. 310–12.

incapable of developing even a theory, let alone a vision, of Empire. Not only do the sweeping sentences of the Report never waver in their confidence that if its recommendations are carried out the bond between Great Britain and Canada will be a permanent one, but they everywhere insist that the basis of that imperial unity shall be *British*. It is British government, British institutions, British sentiments—wisely modified to suit an American environment, but retaining their essential British features—which are to prevail. To Lord Durham's mind, the greatest merit of those British institutions is that they 'link the utmost development of freedom and civilization with the stable authority of an hereditary monarchy'.[1]

His constant emphasis on the monarchy is not the least significant feature of his Report. In British politics 'Radical Jack' had never been quite willing to cross the line from the Whigs to the Radicals because he believed that many of the latter wished to destroy fundamental British institutions while he sought only to modify them, and that they were flirting with a republicanism which in British dress was as repulsive to him as it was unnatural. It would, of course, be a mistake to suppose that he foresaw with any clearness the day when the monarchy would be almost the only formal bond that would link the self-governing dominions to the Mother Country, and would at the same time symbolize and focus those British institutions and sentiments which he emphasized. And yet there is a peculiar fitness about the closing words of his Report. Canada can still take pride in that prediction that she would 'form one of the brightest ornaments in your Majesty's imperial crown'. Nowhere is the feeling towards the King and the royal family warmer or more devoted than in his Majesty's self-governing dominions beyond the seas. But if any Englishman of an antiquated and thoughtless type lets drop a phrase that suggests that Canada is in any sense a possession of the British Government or Parliament or people he is in for a bad half-hour and his hyper-sensitive Canadian friend for a worse one. It is a striking feature of Lord Durham's Report that though written nearly a hundred years ago

[1] *Report*, ii. 263.

there is hardly a phrase in it that could give offence to Canada's full-grown national pride. That is in keeping with the facility with which he grasped Canadian points of view, and it is not the least of the secrets of power in that self-governing Empire which was to be so different from the Empire of London-governed colonies.

While the recommendations in regard to Responsible Government, self-government, imperial relations, and the union of the provinces constitute the core of the Report, the other recommendations were of great significance for Canadian development. Lord Durham realized that an effective democracy needed the support of two foundations driven deep into the life of the community—education and municipal government. His own faith in the practicability of household suffrage at home had been associated with his observation of, and interest in, the progress of popular education, and no one appreciated better the part which local self-government had played in English history and the inevitable connexion between the Reform Bill of 1832 and the Municipal Act of 1835. Through his friend Joseph Parkes he had been in close touch with the proceedings which led up to the latter measure. On both of these subjects he had appointed sub-commissions, whose reports formed appendices to the main report. The report on education, written by Arthur Buller, brother of Charles, was incomplete when Lord Durham's Report was written. Its recommendations were not practicable in the form in which they were presented, but the Report contained valuable information, and much of the machinery it suggested was later incorporated into the educational system of the united province and passed on later to those of Ontario and Quebec. In his main Report Lord Durham's remarks on education were quite general, but his emphasis was strong. He observed that more attention had been given to secondary than to primary education where the great need lay. He especially scored the lamentable lack of primary education in Lower Canada. But, as usual, he painted too dark a background and was unfair in his criticisms of the British Government.[1] Such a strong emphasis on education in a document that was to become so

[1] See Lucas, i. 232–9.

famous in Canada proved a stimulus to Canadian effort, and the achievement of the main recommendation of the Report, Responsible Government, ultimately removed what had been the chief obstacle to educational progress in both the Canadas, by bringing educational policy under popular control, thus permitting the evolution of a system which corresponded to the genius of the Canadian people.

Lord Durham had taken with him to Canada William Kennedy, one of Parkes's co-labourers in the English municipal reform, that he might study the Canadian situation and prepare a plan of municipal government. Adam Thom had been associated with Kennedy on account of his knowledge of Canadian conditions and his general ability. On the basis of the Report which they prepared—part of Appendix C to Lord Durham's Report—Durham's friend and successor, Poulett Thomson (afterwards Lord Sydenham), gave to Lower Canada municipal government and to Upper Canada a greatly improved system. In his own Report Lord Durham urged the importance of establishing a satisfactory system of municipal government[1]—to meet local needs, provide a training ground for democracy, free the Legislature from local jobbery and 'log-rolling', and establish in Canada another fundamentally British institution. It was his intention that this system of municipal government should form an essential part of the Union project and either be written into the Act of Union or be provided for by concurrent legislation.

The Report introduced other principles of stable government. Since Responsible Government with its corollary, the introduction of money votes by the ministers of the Crown, would put an end to the controversies over control of revenue, Lord Durham recommended that all revenues should be placed at the disposal of the Assembly on the concession of an adequate civil list. The judicial reforms which he suggested included the establishment of the independence of judges, improvement of the jury laws, the

[1] Lower Canada had practically no municipal government at the time, and although Upper Canada had incorporated cities and elective township councils, the latter had very few powers and rural municipal expenditure was largely in the hands of the Legislature.

substitution of stipendiary magistrates for unpaid justices of the peace, and the formation of a Supreme Court of Appeal for British North America. His words appear to imply that the establishment of such a court would render unnecessary the continuation of the right of appeal to the Judicial Committee of the Privy Council. He recommended that all legislation of the British Parliament relating to the application of the Clergy Reserves and the resultant funds should be repealed and the disposal of these funds vested in the Canadian Legislature. He deprecated strongly any attempt to afford the Church of England any of the privileges of an established church. All religious denominations must be treated equally by the Government. His arguments for an ultimate union of all the British North American provinces were associated with the suggestion of a railway linking the Canadas and the Maritimes. This appreciation of the relation between public works and political development is evident throughout.

The Report reflects the defects of Lord Durham's temperament, particularly a tendency to exaggeration and to severe criticism of those who disagreed with him. It reflects also his courage, outspokenness, independence, analytical power, farsightedness, ability to see things in the large, his passion for reform, that combination of a liberalism which appeared rash to others with an instinct for safety which was adequate to the situation, and that gift which enabled him in more than one crisis to gather up a number of suggestions from various quarters into just that combination that brought order out of chaos, destroyed an old system, ushered in a new one, and provided a basis for a healthy and continuous development.

Sir Charles Lucas in his masterly introduction to the standard edition of the Report has recognized 'Lord Durham's constructiveness' as its outstanding characteristic.

> 'To all times and to all sorts and conditions of men he has preached the doctrine, that for peoples, as for individuals, the one thing worth living for is to make, not to destroy; to build up, not to pull down; to unite small disjointed elements into a single whole; . . . to be strong and fear not; to speak unto the

peoples of the earth that they go forward. In this constructiveness, which is embodied in all parts of the Report, he has beyond any other man illustrated in writing the genius of the English race, the element which in the British Empire is common alike to the sphere of settlement and to the sphere of rule. It is as a race of makers that the English will live to all time, and it is as a prophet of a race of makers that Lord Durham lives.'

Lord Durham signed the Report, January 31, 1839. It was his last state paper. Disease had quickened its pace as he wrote. The time-glass of his life had but a few grains left. But genius had touched the fabric of Empire.

NOTE. In this chapter no mention has been made of the section of Lord Durham's Report which deals with 'Public Laws and Emigration'. The ideas embodied in that section are entirely those of Gibbon Wakefield (no matter who may have actually written the section), and I have felt that they belonged to a life of Wakefield rather than to a biography of Durham. Nor has any reference been made to the appendices to the Report, which were prepared by Lord Durham's sub-commissioners. The contents of the appendices are listed in Vol. III of Sir Charles Lucas's edition of the Report.

XXIII

IMMEDIATE RECEPTION OF THE REPORT

That delicate balance of the political forces which made Lord Durham's return the chief topic of conversation and did so much to stimulate interest in the publication of his Report accounts for the caution with which it was at first received. Whigs and Tories alike were waiting to see what the Government would do. As soon as that was apparent their press would break out in the praise and abuse appropriate to the situation. In the meantime the Whig *Morning Chronicle* recognized that 'there is but one opinion in respect to the Report, that it is one of the most valuable papers laid before Parliament'. *The Times* finds that its theories 'are well stated and ably argued', and that 'this very remarkable writing of Lord Durham's is worthy of the closest attention'.[1] But as for the practicability or otherwise of any particular recommendation—not a word, until two weeks later *The Times* ventured to suggest that the Responsible Government suggestion was 'twaddle'.

Not so the Tory leaders of British North America! Whatever the British Government might do or not do, they felt instinctively that the Report would be fatal to their rule, if it were not discredited by every means in their power. Judge Haliburton of Nova Scotia, creator of 'Sam Slick', was in England. In mid-December he had been approached by 'a party in reference to the administration in Canada' who feared what was coming and wanted an account of the Canadian situation written by an eminent colonial to forestall and offset the Report. They believed that they had only two weeks in which to beat the Report, and when Haliburton replied that the time was too short, they promised to supply him with ammunition; 'the next morning eight hand carts of assorted documents were brought to his lodgings in Piccadilly'.[2] The result was the 'Bubbles of Canada', which made several bad guesses at what Durham was about to recommend, wasted much of its powder on an anticipated plan of

[1] *Morning Chronicle*, Feb. 16; *Times*, Feb. 13, 1839.

[2] Manuscript account of the Haliburton family by Miss Georgina Haliburton, quoted in Chittick, *Thomas Chandler Haliburton*, p. 242.

federation, and headed up its personal attack in the sentence: 'When a nobleman advocates democratic institutions, we give him full credit for the benevolence of his intentions, but we doubt his sanity.'

The Report had proved to be worse than even Haliburton's suspicions, and the vinegar had been rubbed in by Lord Durham's ingenious citation, in support of one of his arguments, of 'a highly popular work, which is known to be from the pen of one of Your Majesty's chief functionaries in Nova Scotia'. The humourist was lost in the 'functionary' when Haliburton, fighting the battle of all the Tory office-holders of British North America, launched a wrathful series of attacks on the Report in the form of letters to *The Times*. Although the first of these appeared a week after the publication of the last instalment of the Report, Haliburton had not taken time to read that document very thoroughly, and the greater part of the second and third letters was devoted to bitter sarcasm at the expense of a supposed recommendation of a federal union, which, of course, was not in the Report at all. Those letters must have made good reading in Cleveland Row.

The proposed Intercolonial Railway, the recommendation in regard to Clergy Reserves, and, of course, Responsible Government were ridiculed in turn, along with a number of minor subjects. A few passages from these letters will indicate their spirit and substance.

> 'I forget that your Lordship . . . has provided us a railroad from Quebec to Halifax; and we make no doubt, when the great preliminary, but equally feasible work of a bridge across the Atlantic shall be completed, that the other will be commenced without delay. It was a magnificent idea, and will afford a suitable conveyance for the illustrious members of the great British American Congress. I will, my Lord, not ask you where the means for this gigantic undertaking are to come from, because that is a mere matter of detail, and beneath the notice of a statesman of your Lordship's exalted rank. . . . As a romance, my Lord, the production is not destitute of merit; the plot is well arranged, the language is above mediocrity, and it displays a fertile imagination; but as a state paper it is beneath contempt. . . . We have seen enough of rash innovations, of reckless change, and of dangerous experiments, of late

years, not to tamely submit to follow the prescriptions of speculative men like your Lordship. . . . Your Lordship talks of a Government of the Colonies, responsible to the Colonies, and of a Governor ruling by heads of departments, amenable to the Legislature. However this theory may apply to Great Britain, it is sheer nonsense as regards a dependent state. . . . If a Governor is to be controlled by his Council and that Council amenable to the Assembly, then the Assembly controls the Governor, the character of its political relation is changed, and it is no longer a dependent but an independent state. . . . The exhilarating gas which your Lordship has inhaled and caused others to imbibe has given rise to an extraordinary exhibition. Imagining their dimensions to be enlarged to their ideas, like the frogs in the fable they have wellnigh burst in unnatural inflation. . . . The most redeeming part of your Lordship's report is the zeal it displays in the cause of religion. The space devoted to this subject is so much larger than that allotted to your chaplain on your outward journey, that it has somewhat taken us by surprise. . . . [You only] pander to prejudice, and add fresh fuel to the war of Dissent against the Church. . . . You assailed your own church, represented it as having too much of public money, as comprising none but the opulent, and lauded the policy of stripping it of its lands to appease the craving appetite of others. . . . Should your Lordship unfortunately hear of a third insurrection, you will find "the predisposing cause" in a certain report which has raised a "hue and cry" against the Queen and the Church of God. . . . I am now about to take my leave of you, my Lord, for ever. If there are points in these letters calculated to give your Lordship pain, believe me, the infliction has been mutual. . . . The report of La Fayette on his return from the States subverted monarchy in France; the Report of your Lordship, equally laudatory of that republic and its institutions, is no less dangerous from its democratic tendencies.' [1]

There was another prominent British-American Tory in England at the time. John Beverley Robinson, the Nestor of the Family Compact of Upper Canada,[2] was on the spot to

[1] *Times*, Feb. 18–26, 1839, letters signed 'A Colonist'. Also published in pamphlet form.

[2] One hesitates to use the term 'Family Compact' in relation to John Beverley Robinson, who certainly stands clear of any nepotism. The term was and is an unfair one, but for nearly a hundred years it has served as a proper name for a certain political group and as such the historian is bound to employ it. In that sense it may continue to be employed without its

watch developments. He was the ablest of early Canadian statesmen and there is nothing finer in our history than his long career of devoted public service. His gentlemanly attitude towards political opponents affords a noble contrast to the vindictiveness of many of the official leaders in both provinces (toward Durham for instance), and the abuse and unfairness with which he and his colleagues were attacked by many of the Reform leaders. He was always fair, always dignified, always statesmanlike (even when he was mistaken). Any one of his rapier thrusts was more telling than all the blunderbusses of 'Sam Slick'. As soon as Lord Durham's Report appeared, Robinson went down from Cheltenham to London. He shut himself up with the Report for days, studying its every aspect. He began to write a reply to it, and after two days' steady work he 'had got to page 27 out of 119. How it worried me!—so much to say, such a wish to shorten it'.[1] He did shorten it, but his letter to Lord Normanby, the new Colonial Secretary, on February 23, was long enough and we can only quote a few passages. The letter was begun at half-past nine in the morning and finished at midnight with only half an hour for lunch.

> 'No one will deny to this very important state paper the merit of being ably written; but in respect to a document intended to affect such great interests, the style is but a secondary consideration.
>
> 'As it regards Lower Canada, there is much sound reasoning clearly expressed; but my acquaintance with the history of that province enables me to say that there are also in this part of the Report some misstatements of material facts and some erroneous inferences; and what I think is beyond measure to be regretted is the unnecessary announcement in this public document of certain opinions and convictions, the permanent record it contains in highly wrought language of most painful occurrences, and the recommendations of a rigorous policy, which I fear it can serve no good purpose to throw before the eyes of an exasperated and bewildered people. . . . [Lord Durham spent only a few days in Upper Canada.] His Lordship cannot be expected therefore to vouch for much, if for anything,

earlier opprobrium. The case is similar to that of many of our historical designations for political parties and religious denominations.

[1] C. W. Robinson, *Life of Sir John Beverley Robinson*, pp. 277–8.

of what is stated, from his personal experience and observation. But it is wonderful how he could have suffered himself to have been so strangely imposed upon. . . . This Report [the Upper Canada section] in regard to its most numerous, and most important statements, either rests upon no evidence whatever, or, if it has indeed been founded on any evidence, it has been the ex parte evidence of an unknown number of unknown witnesses, of whom unknown questions have been asked by unknown parties, and possibly parties with unknown views, and full of unknown prejudices.'

For the inaccuracy of at least half of the statements on Upper Canada he can appeal to the authority of Sir John Colborne. He is opposed to a legislative union of Upper and Lower Canada because it is too vast for one government and because it will involve the Upper province in the troubles of the Lower. The English may outnumber the French, but they will be less coherent and so the French will get the upper hand. The recommendation in regard to the Clergy Reserves means that the thousands of Protestants who now inhabit the province and the millions who are to succeed them will be left destitute of all public provision for worship and religious instruction.

'I do not believe that the Imperial Parliament will adopt and act upon the assumptions proclaimed in this Report of the hopeless inferiority of the French Canadian race, or of the eternal animosity between them and their fellow subjects of British origin. It is not in that spirit that the dominion over half a million of free subjects should be exercised; nor is it by measures that can be vindicated only by such reasons, that the tranquillity which long prevailed can be re-established, and security restored. . . . It will not appear, I think, to Parliament that any advantage to British interests or any support to tranquillity in the Colonies would be likely to ensue, from creating that new species of responsibility, which in reality, would be nothing more or less than a servile and corrupting dependence upon Party. It is but too obvious that a Colonial Government, such as would be constituted by a strict adherence to this suggestion in the Report, would be an anomaly without example in the British Empire, or in any other Country; and that in comparison with it the Republican Government of the United States would be strongly conservative.

'What effect may be produced by the publication of such

opinions, under such authority, cannot be foretold; but if the inhabitants of Upper Canada shall be led by them to desire, as a boon, what would be so destructive of their security and happiness, the taste will be a new one, and will have been created by the Report.

'And whenever such a system shall be established, (if that be a possible contingency) from that moment may be confidently dated the decline of integrity and independence in public servants, of peace and contentment in society, of security for property, and attachment to British institutions.'[1]

In a later letter he said:

'It is not surprising that his Lordship did not in this brief period attempt to transfer the scene of his personal observations to Upper Canada. He did, no doubt, intend to have applied the months or years that might be necessary for acquiring that knowledge from personal inquiry and observation, which His Majesty's Government was willing to rely upon for settling the most important public interests, but he did not in fact enjoy the opportunity. . . . It would be difficult to find any topic by which the dissatisfied members of the community, of which there are multitudes under every government, could be incited to distrust of their rulers and to a general impatience of their conditions which this Report has not dwelt upon, and in such a manner as to unsettle the public mind to the utmost. . . . The cause of popular agitation and of occasional collisions between the Assembly and other branches of government in the North American colonies is easily discerned. It lies on the surface. It is the tendency of democracy to swallow up everything, its impatience of any check. . . . Universal suffrage nearly exists in the colonies. [Let the British Government add universal suffrage to its system of responsible cabinet government and ask itself whether it would like to see established in Great Britain what Lord Durham is advocating for Canada.] . . . If it be thought desirable to remove every obstacle to the absolute sway of the multitude whether their inclinations be just or unjust and whether their views be sound or unsound, then undoubtedly the system recommended in these pages is admirably adapted to that object. But how it can be imagined that such a system will confer tranquillity on a country is rather inexplicable. . . .'[2]

[1] Q. 425: 42 seq.
[2] Draft in Robinson Papers (Ont. Arch. Pk. 23 E. 24, No 18).

By the month of April it was apparent that Durham was standing with the Melbourne Government for better or for worse and he was once more fair game for the Tory reviews. The *Quarterly* had never felt much restraint in that respect. In its criticism of his Report it made him say a number of things that he had not said and in some cases the very opposite of what he had. Every unscrupulous trick of lifting quotations out of their context and giving fictitious meanings to isolated phrases was resorted to. The burden of the story was that the Report was 'a farrago of false statements and false principles, . . . the most fatal legacy that could have been bequeathed to our American colonies' and that its object had been 'to issue, under some colour of royal authority, the most democratic and anarchical principles'. It recognized as the 'key' of the Report the idea that 'the Houses of Assembly are to be in the provinces what the House of Commons is in England'. 'Yet it is the Queen's Ex-High Commissioner, . . . himself a Peer of Parliament, who promulgates these doctrines, this new and to us incomprehensible system of colonial *connexion*: the *Report* calls it connexion—to our understanding, it is absolute separation.' It would have been more honest to have boldly proposed to hand Canada over to the Americans, but this deceptive means of doing the same thing was calculated to be more effective.

In the meantime Lord Durham was receiving a number of letters expressing appreciation of the Report. E. L. Bulwer ('Bulwer Lytton'), always one of his admirers, wrote in regard to the section on recommendations, the first to appear in *The Times*, that it was 'absolutely colossal in the grandeur and scope of its views, in its singular frankness, boldness, and simplicity. And the lucid dignity of the style is worthy the splendour of the argument. . . . You have composed a masterpiece, that will lift your reputation as a statesman to a height that will command posterity'.[1] Charles Sumner, a recent acquaintance, thanked him for 'the friendly terms in which you have alluded to my country. Such language from so high a quarter will . . . give additional strength [in the United States] to the fraternal—perhaps I should say

[1] *D.P.* 6, iii. 149, Feb. 8, 1839.

the filial—sentiment towards England. I avail myself of this occasion to express to your Lordship the great admiration with which I have read the whole of your masterly Report'.[1]

From his brother-in-law, Lord Howick, came a letter which is interesting because of his later work as Colonial Secretary, particularly in relation to his carrying out of part of Durham's policy. Howick expressed approval of the Report on the whole but revealed a tendency to work towards federation and to shelve the legislative union. The union of the two provinces should not, he thought, be put through without the consent of the people of Upper Canada, and any sort of constitutional government in Lower Canada would be dangerous in the immediate future. He suggested the holding of a Canadian convention which should make recommendations on the ultimate form of government. In the meantime, a Governor and Special Council in Lower Canada were to proceed to Anglicize that province. This letter quite justified Wakefield's comment that 'Lord Howick would substitute a whole plan of his own for the whole of your plan'. But Howick, while he was always independent, was always honest, and Durham, who respected his ability and tenacity, must have read with a glow of pleasure the concluding words of the letter. 'I entirely concur with you in your leading notions of allowing the colonists the most complete self government upon matters of mere internal regulation and local interest, and of binding the different provinces together by the closest and strongest ties which it may be practicable to establish.'[2]

Lord Durham's Report won its first public victory with the announcement to Parliament on May 3 that the Government would introduce legislation to effect a union of Upper and Lower Canada. But three days later, on the Jamaica Bill the ministry found their majority reduced to five, and they accepted that as the handwriting on the wall. They went out and Peel came in, but the ladies of the bedchamber and the clash between the reasonable demands of a political party and the equally reasonable affections of a lonely

[1] Ibid. 6, iii. 156, Feb. 11, 1839.
[2] Printed in full in *Canadian Archives Report for 1923*, pp. 338 seq.

young Queen brought Melbourne back again. He rode valiantly to the assistance of a maiden in distress, but a 'working majority' was needed to carry on the Government; would the Radicals be reasonable again and supply him with it? It was more necessary than ever to conciliate them, and since their serious revolts had developed over colonial questions there must not be another colonial bill that session. Next session enough of the old team-work might be revived to put through the Canada Bill without danger of precipitating another crisis.

Russell, instead of presenting the Canada Bill which had received the ratification of the Cabinet two months before, presented to Parliament on June 3 two resolutions, one in favour of the union and the other that it was expedient to continue until 1842 the powers vested in the Governor and Special Council of Lower Canada 'with such alterations of those powers as may be deemed advisable'. He praised the Report of Lord Durham and expressed his approval of its recommendations not only in regard to the union of the two Canadas but also on municipal Government and the control of revenues by the assembly on the conditions suggested. But he disagreed with Lord Durham's contention that colonial ministers could be made to occupy a similar position to ministers at home. On this latter point Buller took issue with him, at the same time pressing for an immediate union of *all* the North American colonies. Replying to Buller, Russell denied that he approved of the practice of carrying on the executive government of a colony with a minority in the Assembly. He desired that 'the executive should be carried on in such a way that their measures should be agreeable and acceptable to the representatives of the people', but ultimate responsibility must always rest with the Home Government. Russell had been so far influenced by Lord Durham's Report that he was prepared to go some distance in the *practice* of Responsible Government if he could save himself from committal to its *theory*.

On the following Monday Russell withdrew even the resolution in favour of union. The reason which the Government offered for postponing the whole matter until the next session was the opposition of the Upper Canada Assembly.

But they had been aware of that at the time they had prepared their bill. Melbourne and Russell agreed with Durham's statement in the Report that the Canadian situation was so urgent that not a single session should be allowed to pass before Parliament took action in regard to it.

The opposition of a Tory Assembly in Upper Canada would not have deterred them. But their estimate of the political situation at home was justified by the fact that while Peel, the Conservative leader, maintained a non-committal position, the only Radicals who took part in the Commons debate, with the exception of Buller, expressed antagonism to the union. (Buller, however, preferred the immediate establishment of a general union.)

In the debate in the House of Lords, Normanby dropped a remark which Brougham pounced on with great glee. The Colonial Secretary said that there were 'other reasons [than the news from Canada] which influenced the Government in withdrawing the Bill'. Brougham asked:

> 'Did not every one know that during the whole winter Canada and Canadian affairs were the topics of conversation in all circles, and in fact that there was nothing else to be discussed? . . . His noble friend, the late Governor-General of Canada, had laid before the country a Report of very great ability, showing very great industry, great resources, deep, if not successful,—for some persons differed on that point,—but at all events, assiduous, able, and skilful attention to the details, as well as the principles of the measures by which the country ought to be governed.'

[Oh, that Macaulay had been in the Lords to recount the conversation in which Brougham had characterized the Report as 'a second-rate article for the *Edinburgh Review*'!]

Why, asked Brougham, was nothing being done? Why was the Report not being acted upon? They had heard the explanation of the Government.

> 'But sometimes from the ruder and rougher individuals, who carry on the concerns of nations,—sometimes in a small parenthesis, and in an undertone, they drop out phrases which possibly, which peradventure, throw more light upon the whole conduct of the party than all the elaborate reasons, than all the prolix statements which have been formally put

forth in explanation of the measures in question. "There were other circumstances", said the noble Marquis. . . . I believe there were. What think you of withdrawing the confidence of one House of Parliament from a Government that had never had the confidence of the other? What if it had been withdrawn on a particular question relating to colonial affairs? What if it had just so happened that the Jamaica Bill had been lost, and it was not expedient to risk the loss of the Canada Bill, which was very likely to follow? . . . And when the news from Upper Canada came, the light dawned, the clouds dispersed, the heavens opened, every heart was cheered. "Now", said they, "we have a ground for doing what . . . we have so anxiously desired, now we have an excuse for putting off the Canada Bill." . . . If they had gone on with it, another vote of the Commons would have led to another resignation. That is the plain English of the matter.'

Durham came up from Cowes—where he had been trying to snatch a much needed rest—to support the Government and also to urge that a Canada Bill must be passed early in the next session. Ellice wrote to him: 'Your speech was excellent, and in the tone and temper, which always do equal credit to a man who may have serious wrongs to complain of and is disposed to sacrifice his personal feelings to the more pressing interests of his case.'[1]

The Government now decided to send a civil Governor to Canada to smooth the way for the Union and to carry out—with the exception of his full view of Responsible Government—the reform policies of Lord Durham's Report. They turned to an old friend and disciple of Lord Durham's—Poulett Thomson. Durham had been estranged from him somewhat of late because he was a member of the Melbourne Government, but of those who sat in the seats of power and those who could bring to the task administrative experience, he was still the closest to Lord Durham's political views. He had been ill at ease in the Melbourne Cabinet; like Durham he had been too liberal for it, although he was as placid in temper as Durham was fiery.

Poulett Thomson sought out Lord Durham and conferred with him at length in regard to Canada. The latter coached him carefully, affording him 'all the information and assis-

[1] Lambton MSS., Aug. 1, 1839.

tance he was able to supply'. Durham and those who had accompanied him selected for Thomson the Canadians on whose advice he was to rely and wrote letters to influential persons in Canada with a view to securing support for him. Then at the last moment while the *Pique* was lying in Portsmouth harbour waiting for the new Governor, Durham, already under the shadow of his last illness, went over from Cowes to spend with him the few hours before sailing.[1] It was a 'bon voyage' for the next world as well as for this. Poulett Thomson sailed for Canada as Lord Durham's political executor and Lord Durham remained at home to die. In two years and six days Poulett Thomson (Lord Sydenham) was dead in Canada. But both men had done their work and the British Empire was born anew.

Before the *Pique* reached Quebec, an article from the *Colonial Gazette* which had appeared in England three days after it sailed, and had been carried across the ocean in one of the new steam vessels, was already reprinted in the Canadian newspapers as a forecast of his policy. The greater part of it is a repetition of the principles of Lord Durham's Report, announced now as the policies of the new Governor.

> 'He has been convinced by Lord Durham's Report, dispatches, and *conversation*. . . . Notwithstanding Lord John Russell's declaration against responsible government, *by that name*, Mr. Thomson adopts the views of Lord Durham as put forth in the high commissioner's report. He conceives that representation is a mockery, and a very mischievous mockery too, if the executive is not made responsible to those in whom the people confide. By what special means he would secure this indispensable condition of peace and order under the representative system, we are not informed; but we have reason to conclude that he intends to be guided upon this point by the opinion of the leading men of the British race in both Canadas. . . . [In the selection of some one to represent him in Lower Canada, while he was in the upper province.] His choice, we understand, has fallen upon the present chief-justice of Quebec, Mr. James Stuart; of whom it may be said, without at all disparaging others, that he is the ablest and most statesmanlike person in British North America. He enjoys

[1] Lady Durham's Journal, 60–1; Buller's *Sketch*, 365; *D.P.* 6, iii. 396, 397.

more than any other, the confidence of the English race in Lower Canada and more than any other Englishman the confidence of the French, notwithstanding their hatred of him as the leader of the English. . . . Mr. Stuart is the fittest man in the province to advise any governor-general.'[1]

By this time Lord Durham's Report was known throughout the British world. Most of the Canadian newspapers published the whole of it—although it was a book in itself—and in Australia several papers printed long extracts. The *Sydney Monitor* advocated the distribution of five hundred copies of it in New South Wales. Australian politicians studied it with care. 'The influence of that great pathfinder [Lord Durham]', writes an Australian historian, 'upon the constitutional progress of New South Wales and the other Australian colonies cannot be over-estimated. Wentworth became saturated with it and made reference to it over and over again.'[2] Lord Durham already knew something of this before that first year was over. Wakefield wrote to him, December 26:

'I send by this post two pieces of Van Diemen's Land newspapers, by way of *sample* of the reception of your Report in that part of the world. The principal paper of New South Wales reprints the Report entire, and all the others that I have seen, give large extracts with the most flattering comments. It seems to have made almost as much impression in the Australian colonies as in Canada. It has now gone the round, from Canada, through the West Indies and South Africa, to the Australias, and has every where been received with acclamations.'[3]

Returning to Nova Scotia a few weeks after his letters to *The Times*, Judge Haliburton discovered that home was strangely different from what it had ever been before. The (legendary) 'father of American humour' had failed to create the angry-spouse-with-the-rolling-pin theme, but on this home-coming he encountered every form of literary weapon that wrath and scorn could lay their hands on. The Report had aroused Nova Scotia, and Haliburton's 'Reply' to it

[1] See Shortt, *Lord Sydenham*, pp. 135–41.
[2] Sweetman, *Australian Constitutional Development*, pp. 191–2.
[3] *D.P.* 6, iii. 410.

had aroused it still further. So beleaguered was the editor of the *Acadian Recorder* by anti-Haliburton contributions that within a fortnight he was obliged to warn them off on the grounds that he could not 'allow our columns to be wholly monopolized by one subject', and that they 'made use of personalities too gross and bitter for our acceptance'. One attack, after ridiculing his politics, his humour, and the weakness of his case, asserted: 'The Report of the Earl of Durham will stand a monument of imperishable honour to his memory when you and your bubbles shall have passed into long oblivion.' Haliburton's friends, to console him, organized a dinner in his honour, at which, speaking on behalf of his literary creation 'Sam Slick', he said: 'It gives him the greatest pleasure possible to hear all this abuse, for it is a sure sign that he is going ahead.' For once the principle did not apply. It was the Report that he had assailed that was going ahead. As for Haliburton his biographer writes: 'Even more disheartening than mere failure was his positive achievement. He had succeeded very largely in destroying his power to influence, one might almost say to interest his fellow colonials,—except as a target for their opprobrium.' His popularity never recovered from the set-back it received from the *Bubbles of Canada* and the *Reply to Lord Durham*. 'It was only after his death, when his reputation had become to a considerable extent mythical, that he was restored to the position of minor greatness he had once occupied in his native province.'[1]

At the same time the enthusiasm aroused by the Report in the Maritime colonies was being positively and constructively marshalled by a number of their public men, of whom Joseph Howe was the ablest and most aggressive. Already a reformer, he had heard of the 'responsible government' cry in Upper Canada, but while expressing some sympathy for it, he had given his preference to the demand for an elective council. Lord Durham's Report gave him the solution for which he had been seeking, and he hailed it as being 'perfectly *simple* and eminently *British*'. In September of this year he wrote his famous letters to Lord

[1] Chittick, *Samuel Chandler Haliburton*, pp. 276–86, on which this paragraph is directly and entirely based.

John Russell. Their arguments do not admit of brief analysis here. The letters themselves are readily accessible and are well known to students of history as brilliant exposition of Responsible Government, based directly on Lord Durham's Report and in some respects clearer and more convincing as they are also more detailed than those of the Report itself.[1] They probably exerted a considerable influence on Russell's colonial policy, which had already been shaped to some extent by the Report. Russell's mind could not leap quickly to great ideas as Durham's did, but he was open-minded and conscientious, and, when once convinced, courageous and aggressive.

In Lower Canada the British merchants were, of course, enthusiastic over the Report with its recommendation of provincial union. So long as that went through, they were content to say very little about Responsible Government, to which subject, in fact, they gave but slight attention. Their attitude was expressed in a letter from J. H. Kerr of Quebec to Wakefield:

> 'Lord Durham has indeed redeemed his pledge to us, and this too he must have done at a great sacrifice of feeling against the Ministers who so basely betrayed him. . . . It is a fortunate event for us that Ld. Durham abandoned his government here; he was right in saying "I can serve you better in England than I can here".'[2]

Charles Grey wrote to Durham from Quebec of the 'universal satisfaction' which 'your Report has given to every one who knows anything about the province'. In regard to the Upper Canada section 'there seems considerable difference of opinion'. The union of the provinces would be the greatest folly 'without they are further prepared to adopt your recommendation of a responsible executive. People may talk till they are black in the face about its being incompatible with the principles which must regulate the relations between the Mother Country and a colony. The colony *will* have it before it is much older, in connection with you if you will allow it—but in spite of you if you force

[1] The letters are given in Egerton and Grant, pp. 190–252; Kennedy, *Documents*, pp. 480–514; J. A. Chisholm, *Speeches and Letters of Joseph Howe*, i. 221–66.

[2] *D.P.* 6, iii. 323.

it to it.' To his sister, Lady Durham, Grey wrote: 'They can no longer have any excuse at home for misgoverning the country. And if his Report shall lead at last to right legislation for Canada, the whole merit of it will justly belong to him.'[1]

Some of the members of the old Executive Council which had been turned out of office by Lord Durham made the publication of the Report an occasion for renewed personal attacks, but they found themselves very lonely.

It was not to be expected that the French-Canadians should wax enthusiastic over the Report. Since the Union which it proposed had been the favourite policy of the British merchants, their political and economic opponents, and since it was frankly associated with an attempt to Anglicize them, they were bound to oppose it. Their antagonism was accentuated by the Union conditions suggested by Upper Canada. Lafontaine was as sincere as any in opposition to the Union, but as a practical statesman he knew that such opposition was hopeless. Conviction and political necessity alike induced him to oppose the Union until it was consummated, but long before that he must have realized how Union and Responsible Government combined could be turned to the advantage of the French-Canadians. For him and his followers Lord Durham's Report contained its own antidote. When the time for action came, he was to combine with the Durhamites of Upper Canada to render effective Lord Durham's primary recommendation, and then, as leader of a united and victorious Liberal party, utilize Responsible Government to nullify the policy of Anglicizing his compatriots and build a united Canada in which their institutions should be preserved. It has been supposed that the negotiations for a political alliance between the Upper Canada Reformers and the French-Canadians did not begin until the approach of the elections for the first legislature of the United Province. But the Lafontaine Papers show that Francis Hincks opened up the prospect to Lafontaine immediately Lord Durham's Report had reached Canada. Hincks had never met Lafontaine, and his letter, suggesting a liberal alliance on the basis of the Responsible Government

[1] Lambton MSS., April 11, 1839; *D.P.* 6, iii. 300, April 12, 1839.

proposed in Lord Durham's Report, was the first that had passed between them. In his reply Lafontaine stated that he liked the principles of Government laid down in the Report but they had no guarantee that they would be acted upon. In subsequent letters Hincks wrote:

> 'We certainly must have such a guarantee and I have no doubt that we shall obtain it. . . . I can assure you that the Reformers of this province have never attributed to you any desire to promote national objects [i. e. an independent French-Canadian nationality]. . . . On the Union question you should not mind Lord Durham's motives but the effect of the scheme. Lord Durham, I think, wrote more against you than he would have done in order to carry the British party with him, and after the result of the insurrection it would have been difficult to go strongly against them. I am sure Lord Durham from his speaking of not subjecting you to the British minority of Lower Canada understood well that the Upper Canada British would be your friends. *N'importe*. I am sure they will be. . . . I can enter fully into your feelings toward that infamous (*miscalled, believe me*) British party in Lower Canada, which I hate as cordially as you can do, and you may perceive that the love they bear me is about the same as if I were a French-Canadian. . . . I feel certain that we can send [to the first parliament of the united province] a majority of decided men who will resort to every constitutional means to obtain self-government as recommended by Lord Durham.'[1]

Within a few months of the arrival of the Report in Canada, *Le Canadien*, and all the French-Canadian papers but one, were supporting its policy of Responsible Government.

In Upper Canada, the Family Compact saw in the Report the handwriting on the wall, and resorted to every weapon in a desperate effort to discredit it and save themselves. The Reform cause, broken down by the Rebellion and still languishing, revived as though an elixir had dropped upon them from an unseen world; Francis Hincks, who had fought a single-handed battle for Responsible Government in his *Examiner*, was joined by a score of papers who adopted Responsible Government as defined in Lord Durham's Report as the sum and substance of their policy. A con-

[1] Lafontaine Papers (Canadian Archives), Hincks to Lafontaine, Apr. 12, 30, May 4, Sept. 9, Nov. 14, 1839.

siderable number of the Tory party, including some of the most influential men in the province, were converted by the Report and joined the Reformers in an effort to secure its recommendations. With each of these groups Responsible Government was the main question and the Union a subsidiary issue.

The Family Compact replied to the Report in dignified and reasoned appeals to the British Government and—through its press—staged a campaign of abuse, innuendo, and flag-waving in an effort to prejudice the Canadian populace. Within a month of the arrival of the Report, select committees of the Assembly (controlled by the Tory majority secured by Head) and the Legislative Council had submitted Reports in reply to it. These were remarkably able documents. That of the Assembly confined itself in the main to the inaccurate statements of the Upper Canada section of the Report in an effort to show that Lord Durham's policies were enunciated in ignorance of the situation in that province. The section on Lower Canada was 'evidently drawn up with much greater care and, they believe, with much greater accuracy, than that portion of it which relates to this province'. The rather fantastic classification of the population of Upper Canada given in the Report was subjected to scathing criticism.

> 'Your committee cannot suppose that Lord Durham has *imagined* such a state of society,—they are well convinced that some disappointed or discontented person has imposed upon his Lordship's credulity. . . . With respect to the exclusion of British and Irish emigrants from places of honour and emolument in the province, it is sufficient to state that the Vice-chancellor, the Master and Registrar of the Court of Chancery, the Receiver-General, the Secretary of the Province, the Solicitor-General, four out of five Executive Councillors, and twelve out of twenty-nine Legislative Councillors appointed since Sir John Colborne assumed the government of the country, two-thirds of the clergy of the Church of England, a like proportion of district schoolmasters, and the principal masters of Upper Canada College with one exception, have been taken from that class of gentleman.'

The Committee pointed out that Lord Durham constantly

compared Canada with the United States, to the detriment of the former; he did not have eyes to see anything unfavourable in the Americans. It deprecated severely the insinuations made against commissioners in respect to the execution of public works without either the production or suggestion of evidence, and it indignantly denied that the local government had proscribed its political opponents and wilfully punished innocent men at the time of the rebellion. A bad mistake in respect to the number of petitioners in behalf of Lount and Matthews was also indicated. These points were well taken, they constituted a serious indictment of the Report, and the Committee was careful not to injure its case by attempting too much.

The greater part of the Report of the Committee of the Legislative Council was devoted to a frontal attack upon Lord Durham's recommendation of Responsible Government. It was not satisfied, as were many of the Compact's utterances in these days, with merely asserting that it was inconsistent with British connexion and 'must lead to the overthrow of the great colonial empire of England'. It sought to show that government possessed all the responsibility that was necessary—the local officials were individually responsible in that they were subject to impeachment and the Governor was responsible to the British Government—and that Durham's collective Cabinet responsibility would be subversive of the true ends of colonial government. The imperial Cabinet developed its policy 'with a view to the present prosperity and future greatness of a country in which England has a deep interest and above all things with the intention of preserving against all opposition the unity of the empire', and at the same time giving satisfaction in a general manner to the people of the colony. But, according to the system proposed by Lord Durham, these ends would all be defeated because those who would conduct it would simply be the servants of a Canadian political party—the one that happened to have a majority in the Assembly for the time being. In two well-reasoned paragraphs[1] Lord

[1] Beginning 'The colonial Governor must, in this case . . .'. See Egerton and Grant, *Selected Speeches and Despatches*, p. 178, and Kennedy, *Constitutional Documents*, p. 472.

Durham's intentions are described with remarkable clearness, and then, having shown that the Governor must, under the new system, ultimately give way to the parliamentary majority, the Committee concludes that 'so far as the empire is concerned, he becomes the sovereign of an independent realm'. That would lead indirectly to separation, and then to annexation by the United States. It was true that Lord Durham proposed to confine the functions of the local legislature to affairs strictly colonial, but 'this limitation of powers is not practical under his Lordship's system'. Apart from a suggestion that, with the new order once established, the Canadian majority party would be in a position to get its way in imperial matters also, there was no attempt to substantiate that confident assertion. Whether or not the Committee felt that it was traversing a thin sheet of ice, it hastened on to another point, ignoring entirely Lord Durham's confidence in that desire of the Canadian people to continue the imperial connexion which was the safeguard of the Durham system, and has in point of historical fact made the British Empire of to-day possible. If the Durham system had not been established that desire would have been destroyed and no type of government could have held the Empire together.

The Committee attempted to show that the conditions of public opinion in the colony made Lord Durham's proposals dangerous to public safety. There was little party consistency in Canada on which the system could be built. It was necessary for the Government to possess a check upon the popular will, which was subject to gusts of sentiment. 'Most of the practical evils found in the colonies have arisen from measures popular at the time of their enactment. . . . A responsible cabinet must look to the party of the day and in its favour neglect the great future interests of the province.' (The argument was cleverly stated. In substance it amounted to this, that the people of Canada were not sufficiently grown-up politically to govern themselves, in matters of Canadian concern, under a democratic system. Lord Durham believed that they were. Again the issue was a clear-cut one.)

Having assailed the strongest part of Lord Durham's

report, the Committee proceeded to riddle its weakest part—the inaccurate statements and unfair criticism of the Upper Canada section. The quotation of two illustrative passages must suffice here.

> 'In what manner, we ask, did the dominant party make use of the occasion, to persecute or disable the whole body of their political opponents? Who were the numbers of perfectly innocent men thrown into prison? . . . And what severe laws were passed in *Upper Canada*, under colour of which individuals very generally esteemed, were punished without any form of trial? . . . Your Committee beg, ere they conclude, to observe that, as regards Upper Canada, Lord Durham could not possibly have any personal knowledge, the period of his sojourn in that province being of such very short duration. Your Committee regret that His Lordship should have confided the task of collecting information to a person, who, be he who he may, has evidently entered on his task with the desire to exalt the opponents of the Colonial Government in the estimation of the High Commissioner, and to throw discredit on the statements of the supporters of British influence and British connection.'[1]

While the leaders of the Compact were holding this high converse with the British Government, their newspaper supporters were applying to Lord Durham's Report all the adjectives in a fairly extensive vocabulary of vituperation. It was an 'evil-minded pamphlet', whose aim was 'to excite party virulence and religious animosity', 'to propagate discontent and democratic ferocity'. Lord Durham's 'chief scavenger, Mr. Charles Buller, was incessantly employed in searching the cess-pools of discontent, disloyalty and sedition'. Lord Durham's 'heart was rotten at the core and radically incorrigible'. He displayed 'the perfidy of all democrats'. 'Shun the curse of the new doctrine. . . . Shun the name of Durham as you would shun the war-cry of pirates and rebels.' When the writers were in milder moods the Report was 'that mischievous document'. Lord Durham

[1] The Legislative Council Report is given in Egerton and Grant, pp. 173–188 and in Kennedy's *Documents*, pp. 470–8. That of the Assembly may be found in the official documents (dispatches and journals) and in a reprint in pamphlet form, which is accessible in some of the better historical libraries.

was constantly represented as the dupe of traitors. But not content with making him out a fool, some of them had to make him a knave. The *Cobourg Star*, September 4, 1839, asserted that the cause of 'Lord Durham's perfidy to Canada' was to be found in the fact that he was the 'governor of a company whose trade consists in the purchase and sale of lands in New Zealand and whose profits must entirely depend on the number of people they can by any means induce to emigrate thither'. During the whole of a stormy career, his integrity had never been called in question; that remained for a newspaper, fighting ruthlessly to save the political life of the Upper Canada oligarchy.

The response of the Reformers to the Report was, if not so violent, even more demonstrative. One writer, in his haste to erect monuments before the victory was won, suggested that a statue of Lord Durham should be erected in every market-place in the province. The Reform cause everywhere took on new life. Despair gave way to hope. Instead of following vague and variant aims, the Reformers concentrated on a clear-cut policy—Responsible Government as in Lord Durham's Report. Francis Hincks literally woke up one morning to find himself surrounded by journalistic allies in the preaching of the true faith of which hitherto he had been the sole exponent. A number of these papers not only printed the Report in their columns but also published it in pamphlet form. Hincks dedicated the *Examiner's* pamphlet edition to Robert Baldwin.

> 'I have taken the liberty of dedicating this publication to you, who like your venerable father have been the zealous, eloquent, and able advocate of those constitutional principles which have been at last recognized by a Governor-General of Canada. . . . It is not now too much to assert that the people of Upper Canada have the means of good government in their power. If they rouse themselves from their lethargy and return a House of Assembly, pledged to demand firmly and constitutionally the system of Government advocated by Lord Durham, there can hardly be a doubt that it will be conceded.'

A Whitby schoolmaster, about to leave the country in despair, but remaining now to see democracy triumph,

wrote to a friend in the States, a month after the Report arrived:

> 'I think I shall remain in the country some time as there is a prospect of the damned Family Compact being shivered and ripped to atoms. The Report of the democratical Lord Durham has just put new life and courage into the Reformers or rebels, as the damned (excuse the profane adjective) Tories call them; and they never could number so many in their ranks, or were so determinedly or triumphantly confident as they are at present. . . . [In another letter ten days later.] I live in a fine neighbourhood; there is scarcely a Tory in it. Reform is making rapid strides and must finally triumph. The people have great hopes of Lord Durham and the Tories hate and fear him as the devil does holy water.'[1]

The most significant feature of the immediate influence of the Report was the number—and quality—of the supporters whom it won from the ranks of the Tory party. These varied from Egerton Ryerson, a temporary Tory, who had been a Reformer at heart, but who had distrusted the previous leadership and policies of the party and had put his church before all party considerations, to H. J. Boulton who had been a too-zealous member of the Family Compact. Ryerson at this time was editor of the Methodist paper, the *Christian Guardian*. In the first number after the arrival of the Report, he wrote:

> 'Lord Durham's Report is no patch work affair. It bears throughout the impress of the same master hand, it is all alike fresh from the same fountain, permeated by the same energy, enlivened by the same interest, instinct with sound constitutional patriotism, luminous with most comprehensive views, and vivified with most loyal and benevolent feelings. . . . [It] secures to the inhabitants of these provinces the fullest advantages of British constitutional government.'[2]

In a later number of the *Guardian* he said: 'We agree with Lord Durham; we maintain that the English, Irish, and Scotch inhabitants of Canada, as well as the natives of the province, are just as competent to appreciate the privileges and advantages of the British constitution, as are the

[1] Q. 419: 21 seq., 61.

[2] *Christian Guardian*, Apr. 10, 1839.

inhabitants of Great Britain and Ireland on the Eastern side of the Atlantic.'[1]

William Hamilton Merritt, founder of the town of St. Catharines, promoter and director of the Welland Canal, had been a consistent Tory. The Report appealed to him as the great solution, he rallied to it as enthusiastically as Baldwin and Hincks, and within a few weeks was sharing with them the leadership of the movement for Responsible Government.[2] Governor Arthur in his dispatches to the Colonial Secretary frequently added to his general disapprobation of the Report expressions of regret that it was dividing the 'loyal party', by which, of course, he meant the Tories. From a Family Compact point of view it was deceiving the very elect. A. N. (later Bishop) Bethune wrote from Cobourg to Bishop Strachan that 'many respectable and loyal persons are abettors of that mischievous Report'.[3] Bethune was one of many who were sincere in their political and ecclesiastical flag-waving, and the limitations of his judgment in regard to 'respectability' and 'loyalty' were as severe as the pain which such a situation caused him.

For all the outcry against the Report as a hypocritical attempt to destroy the imperial connexion, welcomed and championed by rebels who were utilizing it to prepare another insurrection, reasonable men came to realize that a movement that was uniting the whole body of moderate Reformers with a number of Tories in the securing of popular government by legal and constitutional means, through a method that was as thoroughly British and eminently sane as that proposed by Lord Durham, was calculated to destroy all rebellious tendencies. Dr. O'Callaghan, one of the leaders of the Lower Canada Rebellion, had predicted that as soon as he read the Report. He wrote to Perrault: 'When this Report gets thoroughly before the Upper Canada people, I expect it will have the effect of tranquillizing the public mind in a great degree and thus militate against the "physical force men" at Rochester.'[4] The Rochester phrase alludes,

[1] Quoted in *Toronto Mirror*, July 19, 1839.

[2] See Merritt Papers (Canadian Archives) and Merritt Papers (Ontario Archives).

[3] Strachan Papers (Ontario Archives), E. 21, Pk. 85, No. 7, July 25, 1839.

[4] Perrault Papers (Can. Arch.), Apr. 2, 1839.

of course, to Mackenzie. But it must be said for Mackenzie that his rebellion in despair of securing popular government in a legal manner had made Lord Durham's Report possible and that if any British statesman had offered such a solution in pre-rebellion days he would have welcomed it most heartily.

Within three months of the appearance of the Report in Canada, the *Toronto Examiner* wrote (June 24): 'No document has ever been promulgated in British America that has given such general satisfaction as this report. . . . Thousands of copies have been distributed in pamphlet form, and the demand, instead of abating is greater than ever.' By this time a few 'Durham meetings' had been held. At Niagara a Durham Constitutional Club was formed. At these meetings 'Durham flags' appeared. On a number of these appeared the words 'Lord Durham and Reform'.[1] We have heard that before, and it had a familiar sound also to Canadians of that day. Canadian democracy was fighting its battle under a slogan adopted by the hosts of British democracy. Many of these Canadians had been in the old country in the days when it had rung through England and Scotland. The Canadian papers had reported with remarkable fullness many of Lord Durham's speeches between 1831 and 1835, and also the Glasgow dinner at which 'Lord Durham and Reform' had been emblazoned in the position of prominence and celebrated in song as well as in legend.

> The King, our homes, our wooden wa's
> Lord Durham and Reform.

The 'Durhamites' did not always have it their own way. They attempted to hold a meeting in Cobourg, a Tory stronghold, only to have it broken up by a hostile crowd 'some with shillelaghs and some without'. A shower of stones completed the rout, the Durham flags were 'torn into a thousand shreds and trampled on with contempt', and a bonfire was made of the hustings. The next number of the *Cobourg Star* jubilantly exclaimed: 'Should any more of these Durham flags be hoisted in any other quarter of the

[1] *Upper Canada Register*, June 7; *Niagara Reporter*, June 7; *Toronto Mirror*, June 14; *Cobourg Star*, June 19, 1839.

province, we trust there are British arms enough to level them to the ground and drive the rebels from the field.'[1]

These earlier meetings were small and sporadic. A great acceleration was given to the movement by a large meeting at Hamilton on July 29. While this was organized by the friends of Responsible Government, it was called by the sheriff as a meeting of the inhabitants of the Gore District. An attempt was made, headed by Sir Allan MacNab, to bring to the gathering enough opponents of that policy to secure a majority. On the eve of the meeting, the *Hamilton Journal* said:

> 'Death to the Family Compact and up with the Durham Constitution! To sustain the latter, the masses are moving from Nelson and its back townships and the neighbourhood of Guelph, from Galt, Preston and Waterloo, from the Jersey settlement, Dumfries, Paris, Brantford and Ancaster, from Barton, Saltfleet and Glanford. . . . In numbers they will be overwhelming, in conduct they will be without reproach.'[2]

The meeting mustered two thousand people. That was about equal to half the population of Hamilton at that time; to realize its relative size, one would have to imagine a meeting of 65,000 people in the Hamilton of to-day. Sir Allan MacNab had gathered his opposition hosts. He came down from Dundurn Castle in fighting fettle, spoke in opposition to each of the Durhamite resolutions as it was presented, and was outvoted by about three to one. He praised Lord Durham's Report in other respects but argued that the Responsible Government recommendations would sever the British connexion. The resolutions approved of 'Responsible Government as recommended in Lord Durham's Report' as 'the only means of restoring confidence, allaying discontent, or perpetuating the connexion between Great Britain and this colony'; called for a dissolution of Parliament and an appeal to the people 'upon the present state of public affairs, and especially upon the Report of the Earl of Durham'; and recorded a pledge 'to support at the next election such candidates and such only, as can declare themselves favourable to the leading principles of Lord Durham's Report'.[3]

[1] *Cobourg Star*, July 10, 1839.
[2] *Hamilton Journal*, July 26, 1839.
[3] Q. 425: 470 seq.; 419: 89–91.

The *Hamilton Journal* declared in its next number, under the heading, 'Lord Durham Triumphant':

> 'The effect of such a verdict, it is acknowledged even by its opponents, will be felt, not only throughout the province but within the walls of St. Stephen's and in the councils of the Cabinet. Truly may it be said, well done the men of Gore! They have taken the lead, as they always do, and hundreds and thousands will take pride in following in their footsteps.'[1]

This ebullition of local pride turned out to be literally true. The Hamilton meeting gave a remarkable impetus to that Canadian revolution—a revolution thoroughly British in character, since it worked itself out in a legal and constitutional manner—which won democracy for Canada and laid the foundations of self-government in the British Empire. In the following weeks large and enthusiastic Durham meetings were held in every part of the province. The Hamilton resolutions were frequently accepted as models, and the Hamilton meeting was everywhere presented as the great object of emulation. In a number of places 'Durham Constitutional Clubs' were formed. In this period the most divergent organizations called themselves 'Constitutional', but the supporters of the Report felt that it would secure to them the full substance of the British Constitution.

This province-wide movement did not gather headway without some scenes of violence. On the way back from the Hamilton meeting, a fight with bludgeons and stones developed over a Durham flag belonging to a delegation from Dundas, who beat off their opponents and saved their banner. A meeting at Davis's Tavern, near Toronto, was broken up by a body of armed men whom Sheriff Jarvis was accused of having brought from Toronto for that purpose. Two men were killed, a number seriously injured, and Francis Hincks narrowly escaped with his life.[2]

The Lieutenant-Governor, Sir George Arthur, the last of the military governors of the old regime, had been deeply offended by the Report. He reported these Durham meetings

[1] *Hamilton Journal*, Aug. 2, 1839.

[2] *Toronto Mirror*, Aug. 2, Oct. 18; *Cobourg Star*, Oct. 23, 1839; Q. 424: 383 seq.

to Lord John Russell, now Colonial Secretary, in a manner calculated to prejudice the British Government:

> 'This captivating and exciting cause is influencing all parties. . . . Far more to be lamented than any of the circumstances to which I have referred are the effects of Lord Durham's Report. The bait of "Responsible Government" has been eagerly taken, and its poison is working most mischievously. . . . That measure recommended by such high authority, is the worst evil that has yet befallen Upper Canada. The impression made throughout the country by Lord Durham's Report is demonstrable in a thousand ways. . . . Many inconsiderate persons by the course they are now pursuing at the "Responsible Government" meetings promote the designs of the most criminal characters.'[1]

Before writing these dispatches, the Lieutenant-Governor had already replied to a committee appointed by the Hamilton meeting that the adoption of Responsible Government as recommended in the Report would 'lead to a state of things inconsistent with the relation of this colony as a dependency of the British Crown'. With a British superiority and patronage, all the more galling to Canadians because its offensiveness was unconscious, he proceeded:

> 'I consider that the general influence of public opinion on the exercise of the functions of the Sovereign which the constitution of England practically allows ought carefully to be distinguished from the influence which the people of a particular portion of the Empire may safely possess. . . . The necessity of the people of Upper Canada preserving the sympathies and good will of the inhabitants of the neighbouring country has been powerfully recommended by the Report, which formed the subject of consideration at the public meeting at Hamilton. Need I urge upon the subjects of the British Crown in Upper Canada the still more obvious duty and necessity of cultivating the affections of the sovereign and people, by whose power they are sustained and to whose protection alone they can look with confidence.'[2]

That was Arthur's idea of upholding British connexion, and he reported it to Russell with satisfaction and pride. Russell refrained from rebuking him directly, but intimated that he was to desist from such exhibitions in the future; it was not the Governor's business to carry on controversies

[1] Q. 419: 27 seq., 46 seq., Aug. 21, Sept. 27, 1839. [2] G. 44: 19–35.

of that nature.[1] Whatever Russell's attitude on the matter might be, it was not that of Arthur. He and Thomson had decided to establish a new system on the lines of Lord Durham's Report, although they hesitated about committing themselves fully to Durham's bold theoretical statements. Russell was probably influenced, however, by Arthur's dispatches. If Howe's letters would make him more confident, these would make him more cautious. We can never understand Russell's position if we think of his difficulty as entirely a theoretical one. Like nearly all British statesmen of these years, he believed that a large proportion of the population of both Canadian provinces was disloyal. With that point of view he naturally feared what might develop in a crisis if the full Durham theory were once assented to by the British Government. Yet Durham's Report had convinced him that a new system must be set up and he was ready to carry out Durham's suggestions so far as to establish a new order in which the everyday administration of Canada should be conducted through men who possessed the confidence of the 'inhabitants of the province' (this is vague, compared with Durham's 'majority of the Assembly'), and the executive would thus work harmoniously with the legislature. But the Governor and behind him the British Government were to retain sufficient control—even in internal affairs—to be able without embarrassment or apparent tyranny to avert any danger that might develop. So, at the same time as he warned Poulett Thomson in his dispatch of October 14 against acquiescing in any statement of 'Responsible Government', he expressed his approval of 'the practical views of colonial government recommended by Lord Durham'. The establishment of the new system was made easier by Russell's instructions, October 16, to all governors in British North America that in the future the members of the Executive Council and the principal officials were not to be considered, as in the past, as holding office for life so long as they were not guilty of misconduct (a great bulwark of 'irresponsibility' in the old sense of that term), but were to be subject to removal and substitution 'as often as any sufficient motives of public policy may suggest the

[1] G. 44: 57–8.

expediency of that measure'. His primary instructions to Thomson on the Union, municipal government, education, public works, and the civil list were based directly and specifically on Lord Durham's Report.

These instructions were well suited to Poulett Thomson's outlook and personality. While he was a thorough Liberal and in English politics a Durhamite, and was sympathetic towards the establishment of a more liberal system in Canada, the bent of his mind was practical rather than theoretical. What appealed most to his imagination was that programme of practical measures which Durham had pointed out as being essential to the prosperity of the country. He secured the consent of the Special Council of Lower Canada and both branches of the Legislature of Upper Canada to the Union, established a municipal system in Lower Canada and greatly improved that of the upper province, laid the foundation of important educational improvements, established a land registry office and a rural police in the lower province, outlined a scheme of public works and cleared the way for its inception, revised the customs laws, and established a board of works, a new system of county courts and a stipendiary magistracy; within two years he had put through the whole programme. Nearly all of it had been suggested by Durham and some of it begun by him, but—as Joseph Howe put it—'it is rare that a statesman so firm, so sagacious and indefatigable follows in the wake of a projector so bold'. His methods were as remarkable as his success. To the Canadian people, accustomed to governors of the old type, he seemed like a beneficent wizard who had come to them out of fairyland. Durham had greatly impressed them, but even Durham was no match for Thomson in the field of administration. Under the Durham system of self-government Canada has developed great statesmen, but it is doubtful if any of them has been as adroit, as resourceful, as successful as the man known in Canadian history as Lord Sydenham.

It was natural that a man with such a task and such a personality should do his own governing rather than leave it to a ministry. Although careful in his public statements, he told his friends that he was the only one who was respon-

sible for the Government and that he would place no responsibility on his ministers. It must be borne in mind that a new order was being inaugurated and that the practical programme which Thomson set himself to carry out was as much a legacy from Lord Durham's Report as was Responsible Government. The programme consisted in the main of the things which Durham considered essential to the successful operation of the new governmental system which he proposed. It may be stated with confidence that no responsible Canadian ministry either would or could, apart from Thomson's controlling hand, have completed that programme and, in that case, Responsible Government would have been crippled from its birth. He was determined to achieve these things, and in the doing of them he did not trouble himself about theories and would not be troubled by others. But when the task was completed and he was longing to hear 'the guns pealing from the rocks of Quebec'—those guns that were never fired—he wrote home to his brother, 'I have got a ministry with an avowed and recognized majority, capable of doing what they think right and not to be upset by my successor'. (Now it was 'what *they* think right'; a few months before, in the midst of his task, he was governing 'as *he* thought right, not as they fancy'.)

He was able to write that with confidence because—theory or no theory—he had gone far towards the establishment in Canada of that British constitutional system which Lord Durham had advocated. In order to effect his legislative programme, he needed a parliamentary majority. With remarkable ability he succeeded in securing that in the first Union Parliament. The ministry which he formed was not a party ministry, but party government is not essential to Responsible Government, except in the sense that a coalition is really a party for the time being. The Canadian political situation at that time was badly broken up, largely because of the Union, and Sydenham created a temporary party which would afford a parliamentary majority to his coalition ministry made up of moderate men selected from various groups. Although he would never agree to any theory of ministerial responsibility, he accustomed the Canadian people

to the practice of a ministry realizing a dependence upon a parliamentary majority, and he familiarized them with the methods by which such ministries ruled in Great Britain. He taught them to look to 'government measures' for legislation, as Lord Durham had suggested; he reorganized his Executive Council, again in accordance with Lord Durham's Report, into a Cabinet made up of heads of departments; and he established the rule that its members must sit in Parliament. He thus set up what may be called the machinery of Responsible Government.

Having run ahead to indicate Poulett Thomson's attitude, we return to observe that of the 'Durhamites', who by the time of his arrival constituted a large majority of the people of Upper Canada and were rapidly securing support from the French-Canadians of Lower Canada. They had decided that the test for their new Governor was to be whether he would 'build upon the foundation laid by Lord Durham'. At first they were not a little puzzled. They welcomed Russell's office-holding dispatch as a step in the direction of Responsible Government. The *Toronto Mirror* took the position that they should oppose the Union unless they received a clear promise of Responsible Government as recommended by Lord Durham's Report. But the *Examiner* persuaded them that the Union should be supported because once it was effected they would have sufficient political power to force the acceptance of Responsible Government no matter what the Governor or the British Government thought of it. Hincks, writing to Lafontaine a little later said: 'I know you think we shall never get Responsible Government, that the Ministry are deceiving us. Granted. But we will make them give it whether they like it or not.'[1] The *Hamilton Express* accepted the Russell dispatches as instalments of Responsible Government and urged the people to wait patiently for the remainder which was sure to follow.

Thomson's policy split the Upper Canada Tories. When the Union project was approved by the last session of the Upper Canada Assembly the die-hards attacked the Governor and his supporters bitterly. One of their poetical effusions

[1] Lafontaine Papers, June 17, 1840.

took the form of 'An Epistle from Beelzebub to His Friend, Governor Pow' and contained the lines:

> The pill gilt by Durham, they greedily swallowed,
> For Mammon by *sic chiels* has ever been hallowed.
> Believe me, all Tartarus chuckles not less
> Than Yankee allies at your glorious success.
>
> . . . . . .
>
> The sentence on Canada soon shall be passed
> And Hell and democracy triumph at last.'[1]

Thomson let the heathen rage and continued on his way. By the spring of 1840 the Union Bill was ready for the British Parliament, and, what was even more important, the British Parliament was ready for it. The Government was no longer dependent on the Radicals for a majority, for Peel was prepared to accept the Union. So Durham, the violent opponent and *bête noire* of the Tories all his life, saw, in his last illness, this feature of his Report triumph on account of Tory statesmanship. Peel had been converted by the Report to the extent, at least, that the Union appeared to be better than any other policy that could be thought of, and Peel was a statesman, never a factious leader of opposition. Wellington, on equally conscientious grounds, was opposed to the Union and quarrelled with Peel so openly that for some time the two Tory leaders were not on speaking terms. But Wellington was not willing to ask the Lords to throw out the Bill after it had been passed by the Commons.

The Union Act differed in two important respects from the recommendations of Lord Durham's Report. Where the Report had provided for a representation of the two provinces in the united legislature in proportion to their population, the Act assigned to them an equal representation. This was an injustice to the French-Canadians, the population of Lower Canada being larger than that of the Upper Province. Durham had been confident that his recommendation would ensure an English-speaking majority and at the same time do justice to the French. But Upper Canada had wanted a considerably larger representation than its sister province, the suggestions varying from mild to gross injustice, and Thomson had had to fight hard to maintain even an equal

[1] *Cobourg Star*, Jan. 22, 1840.

representation. In this respect at least Durham and Thomson were the friends of the French-Canadians.

Again, Lord Durham had recommended that the establishment of an adequate system of municipal government should be provided for, either by the Act of Union or by separate legislation passed by the British Parliament at the same time. Thomson had included this in the draft of the Union Bill which he had sent home, and was astonished to learn that the bill had been passed without it and no other provision made for it. 'It is with the deepest mortification', he wrote to Russell, 'that I find the whole system for the establishment of local government omitted from the bill. . . . I should have been far less surprised to find the Union Bill abandoned altogether by the Government than this most essential part of it withdrawn.' After referring to the strong recommendation of Lord Durham's Report in this respect, he reminded the Government that it was hopeless to expect a Canadian Parliament to pass such a measure. 'Lord Durham has given the reply which certainly appeared last year to be conclusive to His Majesty's Government, and the correctness of which I can now confirm. "It is in vain to expect that this sacrifice of power will be voluntarily made by any representative body."'[1] When Russell replied that Peel and Stanley, on whose Tory support they depended for the passing of the measure, had objected to these clauses, Poulett Thomson, now Lord Sydenham, buckled on his armour, established a municipal system in Lower Canada through his Special Council before the Union Act went into effect, and then achieved what both Durham and he had regarded as impossible by steering a municipal bill through the Union Legislature.

In the elections for the first Legislature of United Canada, the Reform candidates throughout Upper Canada appealed to the electors on the recommendations of Lord Durham's Report. That was the first and only plank of their platform. It was the Report, the whole Report, and nothing but the Report. Excitement ran high and the wonder is that there was not more violence. The old Compact lost its last

[1] Q. 273: 276 seq., Sept. 16, 1840; Kennedy, *Documents of the Canadian Constitution*, pp. 155 seq.

fight for life. In his appeal to the electors of Terrebonne, Lafontaine had, several months before the election, taken common ground with the Upper Canada Reformers on the Responsible Government part of the Report, and urged his fellow countrymen to test all candidates on that question. As for the Union, they should accept it, but seek a modification of those terms which were particularly unfair to them. The following is the core of his new appeal:

> 'In a word, to the great question of the day; Responsible Government. . . . This is the leading feature of the British constitution. Lord Durham in recognizing the necessity of its application to local affairs in the colonies struck at the root of the evil and suggested the efficacious remedy. . . . For my part I have no hesitation in declaring that I am in favour of this British principle of Responsible Government. I see in its operation the only guarantee we can have of a good and effective government. The colonists must possess the management of their own affairs. All their efforts must be devoted towards this object.'

On the eve of the meeting of Parliament, Robert Baldwin, already a member of Sydenham's coalition ministry, knowing that a large majority of those elected to the house were in favour of Responsible Government and feeling that a union of Upper and Lower Canada Liberals could be effected on behalf of that principle, suggested to the Governor that the Ministry be reorganized on that basis. But Sydenham was mainly interested in solidifying the Union and putting through his legislative programme. He knew that the combination which he had formed could be relied upon to support him in these objects, and he was confident that the combination proposed by Baldwin could not; he knew how little cohesion Baldwin's so-called 'party' had at that time, apart from Responsible Government; and he would not commit himself to Responsible Government in any case. So he asked for Baldwin's resignation and went ahead. If Baldwin had been able to muster a majority *against Sydenham*, he could have made things interesting, but when Parliament met he discovered that the greater number of the Upper Canada members elected on Lord Durham's Report were too much attracted by Sydenham's programme

to oppose him; many features of that programme were laid down in Lord Durham's Report as essential concomitants of the establishment of Responsible Government. When Sydenham had completed his programme, then came the time for Responsible Government on its theoretical side (on its practical, much of it was already in operation). In June the ministers were challenged to say whether they would resign if they lost the support of the majority of the House, and Draper, on behalf of himself and his colleagues, replied that they would. Two months later at the end of the session, September 3, 1841, Baldwin moved his series of Responsible Government resolutions. S. B. Harrison, unquestionably at Sydenham's suggestion, moved in amendment another series, which differed slightly from Baldwin's. Sydenham avoided a few particularly embarrassing phrases; and the Ministry had the satisfaction of offering to Parliament its own statement, rather than receiving dictation from Baldwin. Harrison's resolutions were carried by an overwhelming majority. Their more material statements were that the provincial parliament existed 'for the exercise of a constitutional influence over the executive departments of their government', as well as 'for legislation upon all matters of internal government'; and that 'the chief advisers of the representative of the sovereign, constituting a provincial administration under him, ought to be men possessed of the confidence of the representatives of the people'.[1]

Thus was fulfilled, in the main, a prediction which Charles Buller had made to Lady Durham a year earlier: 'It will be but a few months too before we shall have an aid more powerful than that of reasoning in explaining and enforcing what Ld. Durham really meant by "Responsible Government": we shall have the Parliament of United Canada enforcing the adoption of his policy and demonstrating the soundness of his views.'[2]

When Sydenham died, a month after the Harrison resolutions, the leading advocates of Responsible Government—Baldwin, Hincks, Howe, the *Toronto Mirror*, the *Toronto Examiner*, the *Hamilton Journal*—all stated that Respon-

[1] See Kennedy, *Documents*, pp. 564–5.
[2] *D.P.* 6, iii. 513 seq., Aug. 27, 1840.

sible Government was secured. They did not realize fully the possibilities of later disputes in regard to interpretation and detail. But certainly the substance of Responsible Government was secured. There was a ministry, consisting of heads of departments, who conducted a legislative programme by means of 'government measures', whose members were pledged to resign when they lost the support of the majority of the people's representatives in Parliament; and Parliament had declared that henceforth the Governor should carry on the government through a ministry controlled and supported in that manner. The British Government had not yet given its consent to the theoretical implications of this; and Lord Durham's other recommendation (necessary to the completion of *self-government*) that the British Government should not support a Governor who placed himself in conflict with a Canadian Parliament had not yet been tested. But the course of events under the next two Governors convinced British statesmen that, having gone so far, they would have to give way to the full Durham system. Then with Howick (the third Earl Grey), Lord Durham's brother-in-law, and Lord Elgin, Lord Durham's son-in-law, there came into power a Colonial Secretary and a Governor fully prepared to act in harmony with Lord Durham's proposals in theory and practice alike.

XXIV

THE LAST MONTHS

THE time which elapsed between Lord Durham's appointment to Canada and the presentation of his Report was twelve and a half months; every week of his life during that time had been crowded with events which were run into the web of history. From the presentation of the Report to his death was a period of eighteen months; the greater part of it was occupied in a vain effort to win from disease the strength to carry on. But these last months possess some historical as well as personal interest.

Contrary to general belief at the time and since, his health was good—at least to all outward appearance—during the time he was writing his Report. He had been very ill before sailing from Canada, but he seems to have risen to his great task and enjoyed one last lease of strength before the final break-down. 'Lambton has been, I am happy to say, very well,' wrote Lady Durham to her brother Charles, January 25 (1839), a week before the Report was sent to the Cabinet. On April 5 she wrote: 'He has been ailing a good bit of late, tho' he had been better all the winter than I had seen him for some years.' (In the same letter Lady Durham said: 'I shall be very anxious to hear what is said of *the Report* in Canada. If it can only be made the foundation for a plan for the settlement of the country, I shall be almost comforted for all that has happened.')[1] The whole of the following summer was spent at Cowes, in very bad health.

Immediately after the publication of his Report he spoke several times in the Lords, always urging that the future welfare of Canada should take precedence over personal matters. But on one personal matter, not his own, he showed some of his old fighting spirit. When the Tories revived the Turton question he blazed out, not in justification of the appointment, but in a personal defence of Turton against the hypocrisy of men who sought to exploit his misfortunes for the furtherance of their selfish interests. Among other things, he threatened to have something to say about the private lives of several public men, if Turton's name were

[1] Lambton MSS.

ever brought up in that manner again. Turton wrote to thank him 'for the bold and eloquent manner in which you defended me last night in the House of Lords. I hope, my dear Lord, you know me well enough that I can feel much more than I can express; and be assured that I never shall cease to feel the many kindnesses and obligations received by me through life from you, or the additional weight they received from last night's discussion'.[1]

Lord Normanby promised to send him an outline of the Canada Union Bill before any one had seen it outside the Cabinet.[2] When, after resignation and reinstatement, the Government deferred the Bill to the next session, Durham came up from Cowes to make his last speech in Parliament, July 26. He spoke briefly but forcibly in defence of the Government that had treated him so badly and against the members of which he still felt a deep but suppressed resentment.[3] When some of the Radical journals attacked him for doing so and pointed out the inconsistency of his position with his statement in the Report that not a session should pass before the Canadian question was settled, he wrote to H. G. Ward:

> 'Pressing them [the plans which he had advocated in his Report] at the present moment, with Upper Canada divided, and Lower Canada silent, with a government weak and inefficient and an opposition unscrupulous and powerful, would have ensured their rejection at once and for ever. I might unquestionably have made sundry orations, attracted public attention to myself, and annoyed, perhaps deeply injured, the Government, but at the same time I should have irreparably damaged the interests of the North American provinces.'[4]

Although there is essential truth in Charles Buller's statement that in these last months Lord Durham 'reserved himself for Canada alone', there was one other matter which pressed itself upon his attention and could not be denied. He had been the first to attempt to plant a British colony in New Zealand. The settlers whom his company had sent out in 1825 in the *Lambton* and the *Isabella* had become dis-

[1] *D.P.* 6, iii. 162.
[2] Lambton MSS., May 4, 1839.
[3] See p. 526, *ante*, for Ellice's comment on this speech.
[4] Lambton MSS., Aug. 4, 1839. Quoted in Reid, ii. 357–8.

couraged and, in the absence of protecting military force, the enterprise had been abandoned. But the company had continued to hold the lands which had been purchased from the natives at the mouth of the Thames and at Hokianga. In 1837 Wakefield, the most indefatigable of colonizers, had turned his attention to New Zealand, 'one of the finest countries in the world, if not the finest, for British settlement', and had organized the New Zealand Association. The project was built on Wakefield's emigration and land theories, and the Association consisted of men with capital who were willing to go out as colonists, and 'public men who for the sake of public objects alone' were willing to co-operate in the launching of the new colony. These 'public men' were to have no financial stake. Their 'only object was to bring the subject before the public and Parliament, and not to take any part as individuals in what might be the result'.[1] In September of that year Wakefield approached Lord Durham, just returned from Russia, with a view to his becoming a member of the Committee of the Association.[2] From that time to his death, Lord Durham was the nominal head of this enterprise, which brought into existence the colony that was to develop into the youngest of Britain's daughter nations; but the directing genius, the real founder of New Zealand, was Gibbon Wakefield, the man with a prison record who had to keep in the background.[3] Wakefield organized, prepared memoranda, wrote pamphlets, coached his associates, and although he was seldom a member of any committee—'his name was never heard'—he sat 'by invitation' on all of them.

England had never been less interested in colonies. Men with any imperial vision were few and far between. And there was powerful opposition from the zealous leaders of the Church Missionary Society. Their idea seems to have been that the only Englishmen the Maoris should come in contact

[1] J. S. Marais, *The Colonisation of New Zealand*, p. 28.

[2] Lambton MSS., Wakefield to Durham, Sept. 2, 1837.

[3] Because that was the situation I have confined myself in this biography of Lord Durham to a brief sketch, based almost entirely on Garnett, *Life of Wakefield*, and Marais, *Colonisation of New Zealand*. My only independent source has been the correspondence relating to New Zealand among the manuscripts at Lambton Castle (Lambton MSS.).

with were the missionaries; the Christian missionaries would save their souls, but Christian civilization would damn them in body and soul alike. It was not a lofty conception of Christianity or of Britain, but it represented the sincere convictions of men who were sacrificing time and money in a noble cause. These giants in the way, be it noted, were not the missionaries themselves, who, understanding the local conditions, appear to have favoured organized colonization, but more powerful men in a worldly sense, who sat on a missionary board in London and told the missionaries what was good for their mission. While Wakefield and his friends recognized that the missionaries were doing a great deal for the natives, they were in a position gently to suggest that they were not entirely successful in protecting the Maoris from harmful influences. There had been some scandal in the early days of the mission and on one occasion a native chief, who had been taken to England by a missionary with the best of intentions, had secured some rifles and gunpowder and returned to New Zealand to revolutionize the art of war and place slavery on a more flourishing basis. A better argument lay in the fact that New Zealand was acquiring, in a haphazard fashion, settlers who represented the worst European elements in the south seas. But the Church Missionary Society was determined in its opposition, and it had a stronghold in the Colonial Office. Lord Glenelg, the Colonial Secretary at that time (1837–8), was a vice-president of the society; Sir George Grey, his Parliamentary Under-Secretary, and James Stephen (alias 'Mr. Over-Secretary Stephen', alias 'King Stephen', alias 'Mr. Mother-Country'), the Permanent Under-Secretary, were members of the Committee of the Society. The Colonial Office was quite lukewarm, in any case, about acquiring more colonies, and had the satisfaction of knowing that the nation felt the same way.

Lord Durham conducted the New Zealand Association's negotiations with Lord Glenelg at the time of his own appointment to Canada. Glenelg, although hard-pressed by his fellow Evangelicals, admitted that 'the question . . . is between a colonization desultory, without law, and fatal to the natives, and a colonization organized and salutary'. But

Glenelg insisted that the Association should be organized as a joint-stock company. Durham replied that more could be achieved through the disinterested efforts of public-spirited men, and that they should seek to avert a clash between the public and private interests of the promoters, as had occurred in 'nearly every one of the colonizing companies of America'.[1] Glenelg stood his ground, and Wakefield and his associates refused to make the change suggested. They believed, perhaps unjustly, that the Church Missionary Society had proposed it in order to wreck the project. Nine days after his appointment to Canada, Durham wrote Glenelg that his last communication had been tantamount to a refusal. 'I can hardly believe that it originates with you, but rather with Mr. Stephen. . . . I own I am much hurt at receiving this treatment from the Colonial Office, and it becomes me seriously to consider whether I can transact any business with it with credit to myself or advantage to the public service. However; I will take no step hastily.'[2] It may be remarked that this was not calculated to smooth the path of Lord Durham's Canadian mission. The Government must have known that by this time his heart was enlisted in Canada, and concluded that if this was not pique it was bluff.

The New Zealand Association decided to attempt to secure an act of incorporation independently of the Government. Lord Durham asked the Cabinet through his friend Poulett Thomson to ensure them 'a fair and free discussion' in Parliament.[3] But the ministers strongly opposed the measure and it was defeated. In August 1838, while Durham and Wakefield were in Canada, a joint-stock company was organized in London.

Now that Durham and Wakefield had both returned to England, the latter became very active in planning New Zealand colonization, and Durham's influence was again solicited as soon as his Report was completed. Through Wakefield's direction and Durham's instrumentality a new

[1] Lambton MSS., Glenelg to Durham, Dec. 29, Durham to Glenelg, Dec. 30, 1837; *P.P.*, 1840, vii. 606, 607. Quoted in Marais, p. 30.

[2] Lambton MSS., Jan. 26, 1838.

[3] Ibid., Durham to Glenelg, Feb. 4, 1838.

and stronger combination was formed (by the junction of the new company with that of 1825), May 2, 1839, in the 'New Zealand Company' with Lord Durham as Governor. They had now complied with the Government's request, being organized as a joint-stock company. But all their applications to the Government failed, Lord Normanby, the new Colonial Secretary, refusing to afford protection to their colonists and failing to recognize the Company in any way—except by permitting his Under-Secretary to write letters to it. Something of this had been anticipated, for on the day the new combination was organized, Wakefield wrote to Durham: 'Lord Normanby has evidently resigned himself into the hands of King Stephen.'[1]

The Church Missionary Society was supreme. But Wakefield would not be stopped. He had the little ship, the *Tory*, prepared to sail when the new company was formed, and on May 5 the first permanent New Zealand expedition left the shores of England (to be followed in September by ships carrying settlers), launched by a group of public-spirited men who were actuated by an imperial faith, but without recognition or protection by the British Government. As Wakefield wrote to Durham, then fighting for his health at Cowes: 'If a robbery or murder should be committed, the settlers must punish him by *lynch law*, or not at all. There will be no means of settling civil disputes—no security for either property or person. . . . But there is no help for it. The colonists must make some arrangements for their own government.'[2]

By August 16 the *Tory* had reached New Zealand, and a few months later a little settlement was formed in the neighbourhood of Port Nicholas on the shores of a harbour which the colonists named 'Lambton Harbour' in honour of their Governor—a name strangely associated with that of the pioneer ship the *Tory* and the name of the city to be built on that site, *Wellington*. In that autumn of 1839 the French Government was contemplating the sending of a colony to New Zealand, and laying claim to its sovereignty, but it was reported that an English organization, '*une puissante société*', under the presidency of Lord Durham,

[1] Lambton MSS., May 2, 1839. [2] Ibid., Aug. 20, 1839.

had sent out colonists to the northern island, so France would have to turn its attention to the southern island.[1] But thanks to the New Zealand Company forcing the hand of the British Government, France was forestalled there also and the whole of New Zealand became a British colony and later a British nation.

On account of illness Lord Durham had little active association with New Zealand developments after the sending out of the first colonists. But when, in the following May, with his health irreparably broken, he begged to be permitted to resign his Governorship, the Board of Directors 'combining personal respect for the Earl of Durham with the conviction they entertain of the importance of the continuance of his connexion with the Company at this particular crisis', urged him to allow his name to stand.[2] And so it happened that at the time of his death he was still the Governor of the New Zealand Company.

While valiantly supporting the Ministers politically for the sake of Canada, Lord Durham came slowly to a personal reconciliation with them. Although he had consented to meet his brother-in-law, Lord Howick, shortly after his return from Canada, and had corresponded with him in regard to the Report after its publication, Lady Durham spoke of their dining at Charles Wood's in January 1840 'to meet the Howicks, a meeting of reconciliation; it went off very well'.[3] In April 1839 his old friend Hobhouse forced him to shake hands with him 'rather formally'.[4] But, as Lady Durham put it, the situation 'thawed out' gradually, and although she herself had said repeatedly that she 'would never forgive Lord Melbourne', they dined at his house in January 1840. Before Lord Durham was forced to retire from social life entirely he was probably on friendly terms with all the Ministers.

Throughout the spring and summer of 1839 friends sought unsuccessfully to bring Durham and Brougham together. These two men, who would not meet one another, were,

[1] Marais, pp. 93–4.
[2] Lambton MSS., May 12, 1840.
[3] Lady Durham's Journal, Jan. to July 1840 (kindly placed at my disposal by the third Earl of Durham), Jan. 22, 1840.
[4] *Recollections*, v. 186.

in the House of Lords, as Damon and Pythias. Nearly every time that Durham spoke Brougham supported him. In defending him against the charge of sending his Report to *The Times*, Brougham referred to him as 'the noble earl'. But on every occasion after that it was 'my noble friend'. In speaking on behalf of Turton, Durham expressed a warm appreciation of Brougham's defence of Turton in the preceding summer. At one point of that speech he paused for a phrase, and Brougham, ever-ready, supplied it. Durham took it up and worked it very effectively into his speech.

At Lambton in November Lord Durham heard the news of Lord Brougham's death as the result of a carriage accident. In nearly all the newspapers, many of which had been attacking him with asperity, there appeared eloquent and apparently sincere encomiums of that remarkable man. The world was surprised to find the extent to which his abilities and his character were appreciated, and decided that it only needed to lose him to see him at his best. It was still more surprised, however, to learn that Brougham was safe at Brougham Hall and had taken a keen pleasure in reading his obituaries. Easthope reported to Durham, 'Tommy' Duncombe's opinion that Brougham had planned it all as a wild antic, but that finding that it had produced 'unexpected consequences', had vehemently denied all knowledge of the source of the story. Rightly or wrongly, the world agreed with Duncombe.[1]

Towards the end of that month Durham went up to London, and calling one afternoon at Lady Tankerville's ran into Brougham by accident. The character of this meeting has been misunderstood; here is Durham's own account of it in a letter to his wife:

> 'Shortly after, in marched Brougham! Of course I took up my hat and great coat to be off, after bowing to him. He walked up to Lady Tankerville and said, "Do be the peace-maker between us, and let us shake hands". I thought it was as well not to make a scene before Lord Canning, so I took his offered hand and sat down again. He was in great spirits, and after staying ten minutes, went up to Lord W. Russell, who is in the same hotel.'[2]

[1] Lambton MSS., Nov. 20, 1839.

[2] Ibid., Nov. 25, 1839.

This was not their last meeting, as has been supposed. They may have met again several times. Certainly, one morning in January, Brougham hailed Durham, crossed a muddy street to speak to him, and they chatted pleasantly for some time.[1]

Towards the end of January Lord Durham wrote to Lord Grey that if the present Government were defeated he hoped that the Queen would send for the latter as 'the only man in England who could have any chance of extricating us from the general confusion. . . . Do not talk any more of seventy-seven, &c. You are more capable of doing good service to the state at that age than ninety-nine out of a hundred at thirty-seven, forty-seven, or fifty-seven'.[2]

By January Durham seemed to have recaptured his health. Lady Durham wrote in her journal of a party at Lady Palmerston's on the 25th: 'I recollect when we were waiting in the cloak-room, looking at him with his brown and red cloak on, the picture one, and thinking how young and well he looked.' But three days later he was down with a bad cold and he never appeared in public again. The doctor 'ordered him to be bled and spoke of great anxiety'. The pains in his head were 'violent and distressing'. On the morning of February 10, the Queen's wedding-day, he was particularly bad, but he showed a keen interest in the dresses which his wife and daughters wore for the occasion and would not hear of Lady Durham staying at home on his account. When she returned early, he was out of bed and at a window, looking at the procession. He tried to go downstairs too soon and was in bed almost continuously until he was moved to Putney, March 6. There he improved, was able to do a little walking, and was visited by the Duke of Sussex, Lord Grey, 'Ben' Stanley, Buller, Ellice, Duncannon, and his brother Hedworth.[3]

When the Canadian Union Bill was introduced in Parliament Lord John Russell sent him information in regard to it, apologizing for not having done so sooner. 'You will find that all the general principles of your Report, which can be embodied in a bill, are adopted. Other suggestions,

[1] Howick MSS., Durham to Grey, Jan. 20, 1840.
[2] Ibid., Jan. 28, 1840.
[3] Lady Durham's Journal (MS.).

respecting the Legislative and Executive Councils, are matters for practical consideration from week to week in reforming the lines of our colonial administration.' Durham could not have been entirely satisfied, but with characteristic generosity he replied:

> 'The principles of my Report are, as you justly state, adopted as far as they can be embodied in a bill, and I can conscientiously assure you of my cordial concurrence in all the views which you took of this important question. I sincerely rejoice in Thomson's success. Buller will have already told you that I contributed to it to the utmost of my ability. He is a fortunate person in having at the Colonial Office one who has the ability to comprehend this intricate subject, and the spirit to support him in his efforts to unravel it.'[1]

At the same time Ellice wrote congratulating him on 'Johnny's proposition, carrying out . . . the recommendations of your Report'.[2]

April 12 was his birthday. 'Always a joyful day to us all,' wrote Lady Durham. 'On this day we were in very good spirits. We thought he was recovering!' In the afternoon Ellice arrived, bringing with him the French statesman, Guizot. They talked of Russia and of Canada. Guizot carried away the impression of a proud man, still young and handsome, 'spirituel'.[3] From that time he weakened appreciably. He spent a couple of weeks in May at his London house, where he was 'much excited by visits from his friends and long talks on politics. . . . Dr. Seymour was very anxious that he should get out and drive, and not see so many people, but it could not be accomplished'. Among the many who called on him were several of the Ministers, including Lord John Russell.

> 'He spoke to Lord Duncannon,' wrote Lady Durham, 'of his situation with regard to the Ministers, expressed his willingness to forget all that had passed and his wish to be on good terms again with them all. Lord Duncannon assured him their feelings were all kind and brought him satisfactory messages from Lord Melbourne. He gave me an account afterwards of these interviews and expressed great pleasure at having no longer any difference with any one.'[4]

[1] Lambton MSS., Mar. 25, 26. Given in Reid, ii. 367, with the exception of one sentence.

[2] Lambton MSS., Mar. 23, 1840.

[3] Guizot, *Memoires*, v. 54–5.

[4] Lady Durham's MS. Journal.

The doctors ordered him to Carlsbad. He set out May 21, but by the time he reached Dover he was too ill to go on. It was at this time apparently that it was discovered that he was suffering from consumption—the disease that had carried off his father, his first wife, and four of his children. Ill as he was at Dover 'he was eager for new books and never missed the newspapers', being specially interested in the Canada debates. As soon as possible he was moved to Cowes, where before long he was 'making inquiries about a yacht'. But he failed rapidly. When Lord Grey, who had been visiting him for some time, had to return to London, Durham burst into tears.

The end came on the morning of July 28. A few hours before, a letter arrived from Charles Buller, mostly about Canada, written without a thought that it was to be read to a dying man.

> 'I wish I could have seen you to congratulate you on the termination of our Canada labour. . . . The Union is achieved. . . . That was your one positive recommendation for immediate adoption. It has been immediately adopted. . . . You told the British government that it could never hope to govern the Colonies quietly unless it brought its Executive into harmony with the Colonial Legislatures. From the hour in which you said this, the people in every colony of Gt. Britain took it up as the true and wise principle of colonial government. The Ministers here pretended to differ from you. But what has their whole conduct been but a gradual though unwilling concession to your principles? . . . And now we have only to wait for 6 months of an United Legislature: and I'll be bound that the principle you have recommended will be so thoroughly adopted in the government of Canada, that men will only wonder that persons in power were ever foolish enough to imagine they could conduct affairs on any other principle. . . . I had a very gratifying letter from Derbishire the other day, who says that . . . there is among the great mass of the British population of the two provinces a deep sense that it is to you, and to you alone, that they owe all that has been done for their good.'[1]

There is a tradition to the effect that shortly before his death, he said, 'Canada will one day do justice to my

[1] *D.P.* 6, iii. 489 seq.

memory'. Certainly his thoughts were on Canada in his last hours. Of his children who were summoned to his death-bed at nine o'clock on that July morning, one, Lady Mary, proved to be the living link which bound him to the Canada in which all his plans were realized. Charles Buller kept her informed of the growing triumph of her father's views up to the time when she went to Canada as Lady Elgin, the wife of the man who put them into full practice. Thus they were the more effectively transplanted to all those colonies which became thereby self-governing nations.

The funeral at Lambton was attended by fifty thousand, the tribute of the North country to one who was beloved by all classes. In Canada the Reform papers printed the news of his death within the black borders which they used when kings departed. His neighbours in the North erected a memorial to him in the form of a reproduction of a Greek temple. Built on Penshaw Hill, it appears against the sky-line for a considerable part of the railway journey from Newcastle to Durham. That is his only material monument. Though his place in history has grown with the passing of each decade, there is to this day no line or sign in the Abbey. But the founder of the self-governing Empire needs no monument of bronze or stone. The Valhalla of the Empire is the communion of its great souls whose visions have come true. As the earth-girdling Commonwealth of British nations grows in influence and achievement, Lord Durham finds his fitting requiem.

THE DEAD MASTER

Amid earth's vagrant noises, he caught the note sublime;
To-day about him surges from the silences of Time
A flood of nobler music, like a river deep and broad,
Fit song for heroes gathered in the banquet-hall of God.

(JOHN MCCRAE: 'In Flanders Fields and Other Poems.')

APPENDIX

THE AUTHORSHIP OF LORD DURHAM'S REPORT

THE question of the authorship of the Report has not been dealt with in the body of this book because in a work that is intended for general readers as well as historical scholars, one should, so far as possible, emphasize the results of research and reflection rather than the processes by which those results have been reached. Although the consensus of historical scholarship in recent years has been to the effect that there is no reason to question Lord Durham's substantial authorship of his Report, I have sought out everything that might bear on this question and given it the most careful consideration. I have found that the suggestions that any one but Lord Durham was the principal author of the Report emanated in earlier years from those only who sought to attack and discredit it for political reasons; that they were repeated later only by those who were not in a position to know the facts; and that the evidence supporting Durham's authorship is stronger than might naturally be expected under the circumstances and is quite convincing in character.

For the sake of historical scholars, not familiar with the details of this particular field, I am giving here a summary of the evidence on this question.

It will be evident from previous pages of this biography that during the two months which preceded the presentation of the Report, Lord Durham was hard at work on something which forced him to decline all invitations and that apart from the Report nothing seems to have been pressing; that he and Lady Durham both wrote to personal friends at the time to the effect that he was working hard on the preparation of his Report; that he told the Lords that he had completed it 'at the cost of considerable labour and much anxiety of mind'; that he wrote with his own hand all of his most important dispatches; that he realized that the Report was his greatest work and that, in respect to it, he was under a solemn pledge to the people of Canada; that the report of the Reform Bill committee, his writing of some of Prince Leopold's most critical communications, his report on the Belgian situation, and the report on Russia show that this was just the sort of work that he did best and that he was quite aware of that; and that the Report bears a character that corresponds exactly with that which he displayed throughout his public career.

Even if no other facts which pointed in that direction were available, these would be so conclusive in themselves, that only

the strongest sort of direct evidence to the contrary could make the question an open one. What is the character of the evidence in the latter direction? Lord Brougham began it five days after *The Times* commenced the publication of the Report, when he met Macaulay in Lincoln's Inn Fields and told him that it was a second rate article for the *Edinburgh Review*; 'the matter came from a swindler [Wakefield], the style from a coxcomb [Buller]; and the dictator furnished only six letters, D-U-R-H-A-M.' How could Brougham, of all men, be possessed of information which could justify such a statement within two weeks of the completion of the Report? There are other reasons why Brougham was not a good witness. His disregard of truth when he had a point to gain was the weakest aspect of his character. The point in this case is not difficult to discern. The Report itself was to be disparaged, both for its own sake and because of the possibilities of its association with the policy of the Government; the best way to disparage it was to represent it as being the work of Wakefield and Buller. Durham himself was not to be attacked, partly because his reputation for political ability was far above theirs and partly because Brougham thought of him at this time as a possible ally in the destruction of Melbourne. We have seen that during the following weeks Brougham was at great pains to be friendly to Durham on every public occasion. Two months before this Wakefield had warned Durham that in their effort to secure his support the Whigs had adopted the policy of sparing Durham but falling hard on his advisers. 'If this trick should succeed with you, they would then say that your acts in Canada were but nominally yours and really those of Turton, Buller, and myself. They go about now, saying that all the "indiscretions" you have committed . . . were our doing.' What was good policy for the Whigs in December was good policy for Brougham in February, and he had the advantage of being able to build on the basis of the hints which the Whigs had thrown out. We may be sure that Brougham had this rumour spread far and wide.

Five days after this conversation between Brougham and Macaulay, Judge Haliburton, champion of the Nova Scotia Tories, began his series of violent attacks on the Report. Nothing was too bad for him to say about it. But some things apparently were too bad to charge against Lord Durham. The reference to Sir John Colborne in connexion with the rectories is represented as being crafty, mean, and insinuating. 'I cannot believe it to have emanated from your pen. It is evidently the work of an inferior mind and as the document bears internal marks of being

the joint product of several persons, I gladly avail myself of the supposition to avoid the pain of charging it upon your Lordship.' The account in the Report of Sir Francis Head's administration is represented as being full of falsehood, slander, and even disloyalty. Again 'the poisoned arrows discharged in this Parthian flight belong not to a British armoury, and whoever the auxiliaries were that used them, they were unworthy to be found in the train of an English Viceroy'. Further on Haliburton wrote: 'This report is not your own, my Lord; your prejudices are strong, your politics bad; and your credulity greater than either; but you are a man of honour and a man of truth.' There is no evidence here, nothing but surmise or the shift of a controversialist. If it was solely the latter, as it probably was, Haliburton's game was different from that of Brougham. His interest was not in English politics, but in the effect of the Report on the situation in British America, where much of its value depended on its being accepted as the work of Lord Durham. No one can read Haliburton's letters to *The Times* without being convinced that he was determined to bring out everything that he could to injure the Report. Yet he made no attempt to point out the 'internal marks' of the Report being a joint product.

The Family Compact of Upper Canada in its replies to the Report through the Legislative Council, the Legislative Assembly, and John Beverley Robinson's communications to the British Government, threw no doubts on Lord Durham's authorship in the main, but suggested that he was not personally acquainted with that province and that the information on which the Upper Canada section of the Report was based must have been collected by some one else. The *Quarterly Review*, in its bitter, illogical, and most unjust attacks on the Report, spoke occasionally of 'its authors' and of 'Lord Durham's Camarilla'.

In 1846 Sir Francis Head published his *Emigrant*, in which for the first time an attempt was made to provide evidence to support the suggestion that the Report was not written by Lord Durham. Writing in his own vindication and in condemnation of Responsible Government and the Act of Union, he was at great pains to prove that Lord Durham was strongly opposed to the Union project, which was one of the principal recommendations of the Report. But he was not satisfied with that.

> 'Lord Durham's proclamation in Canada against the British Parliament,—his abandonment of his post without waiting to be relieved,—his march of false triumph from Falmouth to London,—the publication of his Report in *The Times* newspaper before the Queen had laid it before Parliament; and

lastly, its disreputable contents, formed altogether indisputable evidence of the fact which, I trust, will shield his memory from all blame,—namely, that his mind had been temporarily affected; that, to speak plainly, he was for a moment out of his senses, and that in this state he had signed a most voluminous Report and Appendix, the greater part of which he had probably never read,—and, if he had read it, was not in a fit state to understand it.'

On this basis he accused Sir Robert Peel of being less deceived than deceiving when he based his support of the Union Act on his confidence in Lord Durham's personal reputation. In another part of this book Head wrote that 'two of those who were its [The Report's] real authors had been convicted by the tribunals of this country of offences of a most unusual description'. Whatever influence these arguments may have had on those who were not acquainted with the facts, they will appear self-condemned to all who have followed the details of Lord Durham's actions following his resignation. The letters of Edward Ellice quoted in a previous chapter (pp. 488–9, *ante*) destroy in themselves the argument relating to Durham's opposition to the Union. Representing the report to be the work of criminals and subordinates rather than that of a statesman with a reputation of the first order was simply a repetition of the old game begun by Brougham and Haliburton, although the erratic Head probably played it with sincerity.

In 1849–50 Harriet Martineau published her *History of the Thirty Years' Peace*. She stated that Charles Buller had been Lord Durham's chief secretary in Canada and added, 'It is understood that the merit of the celebrated report is mainly ascribed to him' and 'He was but thirty-two when he finished his work at the Canadian report'. At the same time she gave Lord Durham credit for the policies of the Report and stated that 'from the moment when John George Lambton fixed the attention of the best opposition men, by his maiden speech, to that in which he provided for the establishment of responsible government in Canada, he was the trust and hope of the most highly principled Liberals in the country'. In her autobiography, published later, she apparently credits Buller with the style of the Report, which had been highly praised. Harriet Martineau evidently believed that Buller did the actual writing, and the 'merit' she spoke of was, in the main, literary merit.

Here for the first time we have the story that Lord Durham did not write the Report repeated by one who was not actuated by antipathy to it. Miss Martineau was enthusiastic in praise

of the Report and Lord Durham was her particular hero in the political arena. What was the source of her information? She stated in a foot-note that her chapter on Canada was 'written from private knowledge as well as from public documents'. A comparison of her narrative of Lord Durham's mission with Charles Buller's *Sketch* (published for the first time by Sir Charles Lucas in 1912) shows that she employed the Buller manuscript (at that time in the possession of Lord Durham's family) to such an extent that her account was simply a brief summary of it supplemented by scraps of information from current 'public documents'. Her only source of 'private information' then was this manuscript. She stated specifically that Lord Durham told her nothing, and if Buller had told her anything there would have been details in her account which were not to be found in the manuscript. As this statement about Buller writing the report is the one exception, we would be inclined to conclude that it was based on current rumour, were it not that a definite source of information is suggested by the fact that Miss Martineau was a relative of Henry Reeve, who, knowing her to have been a friend of Lord Durham, would probably impart to her the story, referred to below, which Richard Hanson had told to a gentleman who told it to him. Her use of the phrase 'it is understood' and her avoidance of a definite statement that Buller 'wrote' the Report show that she had some doubts in regard to the story, whatever its source may have been. Miss Martineau's *History of the Thirty Years' Peace* was an influential book in its day, and as no one knew what her source of 'private information' was and she was known to have been a friend of Lord Durham and Charles Buller, the statement referred to must have materially strengthened the earlier rumours.

In John Stuart Mill's *Autobiography* (1873) reference is made to 'Lord Durham's Report written by Charles Buller, partly under the inspiration of Gibbon Wakefield'. Occurring as it does in an autobiography written in old age, more than thirty years after the event, with no source of information indicated, and with a rumour to that effect in circulation for decades, apparently accredited by the best history of the period existing at the time, this isolated statement has practically no independent value.

In 1885 Henry Reeve edited and published his second instalment of Greville's *Diary*. In a foot-note to this work, Reeve wrote in regard to the Durham Report:

> 'The copy which appeared in *The Times* was sent to that journal by Mr. Hanson, who was one of the persons allotted to Lord Durham's mission. . . . This gentleman gave the

following account of the transaction. The whole report was written by Charles Buller, with the exception of two paragraphs on Church or Crown lands, which were composed by Gibbon Wakefield and Mr. Hanson. After the report was presented to the Colonial Office, the Government wished these two last paragraphs to be modified. This Lord Durham was inclined to do. Wakefield resented this, and in order to prevent any change he got Hanson to send a copy of the Report to *The Times*, where it appeared the next day. These particulars have been communicated to me by a gentleman to whom Sir Richard Hanson related them.'

This has been thrown out of court by some writers on the ground that no such paragraphs exist in the Report, where instead of paragraphs, whole sections are devoted to Church lands and Crown lands. But it cannot be dismissed so easily. The words do not necessarily mean that these were the only paragraphs relating to Church or Crown lands and may refer to *any* two of the many paragraphs that deal with one subject or the other. The writer was uncertain, however, whether it was Church lands or Crown lands.

This is third-hand evidence, which reveals in itself the marks of confusion and was given nine years after Hanson's death, and forty-five years after he left England. The second and third parties probably knew very little about the Report, and might easily have misunderstood and misrepresented any reference made to it. The accuracy of Reeve's foot-notes on Canada may be judged by the following examples: 'Sir John Colborne, *Lieutenant-Governor* of *Canada* at the time the insurrection broke out.' 'Lord Durham had passed an ordinance enacting that *Papineau* and the leaders of the Canadian rebellion should be transported to Bermuda.' Upon the receipt of the intelligence of *the Declaratory Act*, Lord Durham at once announced in Canada his determination to resign. The *disallowance* of the Ordinance and his *official recall* crossed this intimation on the road.' Could confusion be worse confounded than these foot-notes designed to smooth the path of the unwary reader?

Assuming that there was anything in the original story, which is open to doubt, I submit the following conjecture. In the 'Public Lands and Emigration' section of the Report (*not* the separate report on that subject, which is out of the question here if the association with the publication in *The Times* is to be retained) there are only four paragraphs on 'Church Lands', that is Clergy Reserves. *Two* of these deal with a subject in itself, the 'violation of law for the benefit of the clergy', that is the actual reservation of one-seventh of the land of each town-

ship, instead of the one-eighth which, it was claimed, was provided for by the Constitutional Act. One of these paragraphs relates to Upper Canada, the other to Lower Canada. In each the statement is made that a certain amount of land and a certain sum of money has been appropriated which rightfully belonged to the public. The Government might well object to some of these statements, particularly as the meaning of the Constitutional Act is not at all clear. Hanson would have a particular interest in these two paragraphs because he had been asked to make a special report on the subject with which they dealt. This special report formed part of Appendix A, which was presented to the Government in manuscript form the day before the main Report was sent to *The Times*. This was the only sub-report signed by Hanson. The only place where his name is mentioned in the main Report is in one of these two paragraphs. Hanson had been taken to Canada specifically to work on the question of public lands, and it is likely that the Public Land section of the Report was the only one in which he was very much interested. He may have told the gentleman mentioned by Reeve that the Public Land section of the Report was written by Buller with the exception of these two paragraphs which were written by Wakefield and himself. The subsequent confusion in the transition of the story would be a very natural one under the circumstances. This would be consistent with the difference in style between this section and the sub-report on public lands and emigration, which appears to have been written mainly by Wakefield, and it does not conflict with the evidence in support of Lord Durham's substantial authorship of the main Report and more particularly the sections on Lower Canada and the recommendations. That is admittedly guess-work, but it is, I believe, plausible, and it is the only way in which I can harmonize the Reeve story with the strong evidence in favour of the Durham authorship. As evidence for Buller's authorship of the Report—and it is all we have—it cannot stand against the mass of direct and circumstantial evidence in support of Lord Durham's authorship.

The latter is not limited to what is summarized at the beginning of this note. That is merely a reference back to matters already mentioned in this book. Lord Durham was not the man to take credit for what had been the work of others. In sending the sub-report on public lands and emigration to the Government, he stated that the main credit was due to Wakefield and insisted that it should be publicly assigned to him. In the House of Lords, July 26, 1839, he gave full credit to his subordinates for the '*information* conveyed in the Report'. 'He should be un-

grateful if he did not acknowledge how much he was indebted to those industrious persons by whom he had the good fortune to be surrounded . . . so much so that to their industry more than to his own was the production to be ascribed. It was an epitome of all the information which they gave him'. But he went on to speak of the wording of the Report as his own. 'He hoped that in view of the recommendation that he had made, that a responsible government, as it had been termed—for *he himself had never made use of the phrase*—should be resorted to. . . .' (The phrase was used three times, I think, in the Report, but always in a general sense and not in relation to this recommendation of British cabinet government, where he carefully avoided it. It was this latter, no doubt, that Lord Durham meant.) In a letter to the North American Colonial Association, replying to one of their resolutions, criticizing the Report, Lord Durham said:

> 'If *my meaning* is to be deduced from *the clearest terms which the English language afforded me*, from the plainest expressions constantly employed, from the simplest arguments enforced, at least with great care and earnestness, it will be seen that instead of representing the "disloyal class" in Upper Canada and other North American provinces as "numerous and respectable" I have represented the loyalty of the population as an enthusiastic and almost universal feeling.'[1]

Although he never just said 'I wrote my own Report', which was hardly to be expected, Lord Durham at different times said that he was working at it, that he had prepared it and that in it he had said so and so and had employed certain expressions.

Lord Durham died in 1840, and immediately after his death Charles Buller wrote his sketch of the Durham mission to Canada. It remained in manuscript form until 1912. In this document, Buller frequently spoke of his own part in the work of the mission and his advice to his chief, but in regard to the Report, apart from a statement to the effect that he stayed behind in Canada to collect some material for it, he gives full credit to Lord Durham. The Report is represented as Lord Durham's crowning achievement. In relation to it he speaks of persons who regretted 'that Lord Durham should have said anything about Responsible Government, or at any rate that what he said should have been published to the world'; he speaks of 'Lord Durham's views'.

> 'In this, as in every other part of his course through life, he left the trodden path of old routine and bygone systems and was the first to advance towards whatever of wider and clearer

[1] *D.P.* 6, iii. 163 seq. The italics are mine. The words are printed here for the first time.

views the enlarged experience of mankind has in these days reached. Here, as in other matters, his foresight enabled him to base his policy on those principles on which the coming age of the world will be ruled. . . . As coming events in their appointed course shall prove the sagacity with which he foresaw them . . . so will shine forth with daily increasing brightness the character of that statesman, who alone in his day rightly appreciated the worth of our Colonial Empire, and saw on what deep and sure foundations of freedom its prosperity might be reared.'

Could such words have been written by Charles Buller if he himself had written the Report or if any one else had written it except Lord Durham himself? Certainly Buller knew the facts.

I find the same thing in Buller's letters, where he speaks of Lord Durham's policies, Lord Durham's views, and 'what Lord Durham meant by Responsible Government' (this last in Buller's letter to Lady Durham, August 27, 1840), all in relation to the Report. In the House of Commons, within six weeks of its completion, Buller was quite uncertain about the wording of the Report and had to fall back on what he knew to be its general intention. What is more significant is that he was *wrong* about what the Report said and he had to partially retract a contradiction of a correct statement of Hume's.[1] 'He did not speak to the words of the report,' reads Hansard, 'nor as to how far these words bore out the impression which he knew to have been made and impressed on Lord Durham's mind by the evidence taken with great pains on the spot. . . . He was sure, however, that the object of the Report was to free Sir Francis Head from the charge of creating fictitious votes.' In speaking on the Union Bill a year later, Buller clearly misinterpreted the Report on a cardinal point when he said: 'The plan before the House was not that which Lord Durham had proposed, for instead of the union of the two provinces, his noble friend had proposed to unite the British provinces altogether. . . . What had been proposed by his noble friend was the best of two alternatives—and then, if it were not possible to do that, to unite the Canadas.'[2]

During Lord Durham's life, the story that the Report was written by somebody else appeared publicly only in Haliburton's attack, whose insulting language was beneath Lord Durham's contempt, and the Tory reviews, which were not much better. They simply made assertions without supporting them in any way, and there could not have been any satisfaction to Lord

[1] Compare *Hansard*, 3rd series, xlv, 1314, with *Report*, p. 162, on Head and land-patents in the election of 1836.

[2] *Hansard*, 3rd series, liv, 740; compare *Report*, pp. 322–3.

Durham in saying 'You are liars' to persons who had been lying about him all his life. But in Head's *Emigrant* (1846) for the first time there is a show of evidence and argument to support the suggestion. Buller replied to that in reviewing the book for the *Edinburgh Review*, April 1847, in which he characterized the statement that 'Lord Durham was not its [the Report's] author' as a 'groundless assertion'. Although this review was unsigned (as all reviews were at that time), it was definitely stated that Buller wrote it and his authorship has never been questioned. Even if it were, the evidence would still be strong, as the review bears internal evidence of its author having been a member of Lord Durham's staff.

In many of its more important features it may be authoritatively stated that the ideas of the Report are not Buller's ideas. His reported expressions of sympathy with the French-Canadians both before and after Lord Durham's sailing from Quebec are inconsistent with his authorship of the Lower Canada section. And Wakefield wrote to Molesworth as late as September 29, that he disagreed with Buller and held that 'this country *must* be made English by one means or another'.[1] Ellice's letter quoted on p. 489 of this book shows that at the last moment Buller was still fighting for the recommendation of an immediate federation of all the colonies against Durham's decision for a legislative union of the two Canadas. Nor is there any evidence that Buller was converted on either point; he submitted in the sense that he did not publicly oppose Durham's views at the time, but that is not conversion. Four years later in an admirable speech on colonization, Buller said:

> 'The only passage in Lord Durham's report which subsequent events have at all shown to be founded in error is that in which he deplores the impossibility of ever reconciling the existing generation of French Canadians to the British government. The mistake shows that, highly as he has rated the amiable qualities of that people, he underrated their forgiving disposition, and that he has also underrated the efficacy of those great measures of conciliation which he recommended.'

It has been suggested that the Report was written 'under the inspiration of Wakefield', but no evidence of this has ever been presented, and no matter how innocently it may have been repeated, it had its origin in the attempt to discredit the Report by suggesting that its substance, or its 'matter', to use Brougham's word, came from a man who had served a prison sentence for a particularly heartless conspiracy to defraud. The ideas on public

[1] Mrs. Fawcett, p. 201.

lands and emigration are, of course, Wakefield's. For years Wakefield had concentrated his attention on efforts to convert men to those theories known collectively as 'the Wakefield system'. But he had never indulged in theories of government. The fact that in a Utopian frame of mind he had written one sentence in the Letter from Sydney (1829) which suggests the enjoyment of ministerial responsibility by a colonial government is of hardly any significance. Although a voluminous writer, he never developed the idea, never even mentioned it again in a period of ten years. He was taken to Canada to do a specific piece of work, to make investigations and recommendations in his own field—that of public lands and emigration. Durham, who had been engaged with constitutions all his life, went there to make investigations and recommendations in regard to a new form of government. In the absence of any evidence to the contrary and the presence of much in that direction, one may assume that Wakefield, who had specialized in economic theory, provided the economic theory in the Report, and that Durham, who had specialized in political theory, provided its political theory. Again, what I have called the 'character' of the Report is, in its main sections, as unlike Wakefield as it is like Durham.

The style of the Lower Canada section and of the recommendations is that of Durham's dispatches and his earlier reports. But the sections on Upper Canada, the other provinces, and public lands and emigration are more doubtful. The Upper Canada section sounds like Durham occasionally, but one feels that he cannot be sure of it; that may be because, if it was written by Durham, he was discussing a field concerning which he knew very little directly and was obliged to depend upon information supplied by others. The remainder, following closely reports and digests, shows few characteristics of style, but the public lands section seems to come from a different hand than Appendix B.

The solidification of the judgement of scholarship in recent years in favour of what I have called 'substantial Durham authorship' has been quite decided. That position has been taken by every writer who has investigated the subject. Until quite recently no such investigation was made, and, in any case, many of the facts here adverted to were not available. Dr. Garnett in his *Life of Wakefield*, 1898, concluded that Durham wrote the section on Lower Canada and the recommendations section, and that Buller *may* have written the section on Upper Canada. He also believed that whatever suggestions and digests were presented by his lieutenants, everything that went into the Report was given the most careful consideration by Durham himself. Dr. Garnett

stated later that the style of the introduction and the Lower Canada section is Durham's, subsequently another style appears, probably Buller's, further on still another, probably Wakefield's, and in the recommendations section Durham's style can again be recognized. But, as I have suggested, those differences could be accounted for by the difference of subject-matter.

Professor Egerton, the leader for a number of years in all matters of colonial history, expressed in his Oxford lectures and in the *English Historical Review*, the conclusion that Lord Durham wrote the whole Report. Mr. Bradshaw in his *Self-government in Canada* (1903) ascribed the section on Lower Canada and the recommendations to Durham, although he believed that Wakefield made some contributions to them, and the Upper Canada section to an original draft by Buller worked over by Durham. 'Durham was too honest to accept praise for other men's work and too haughty to sign his name to other men's opinions.' Mr. Bradshaw agreed with Professor Egerton that the decisions and policies were Durham's, no matter from whom the information may have come. He designated the sources of information with a confidence which I cannot share. Dr. Stuart Reid in his *Life of Lord Durham* (1906) made a strong but incomplete and somewhat inaccurate statement supporting Durham's authorship. Mr. E. M. Wrong, in his work on *Charles Buller and Responsible Government* (1926), expressed his conclusions as follows:

> 'Historical gossip, for it is little more, often regards Buller as the chief author of that Report. Brougham spread and possibly originated that story. . . . As far as style is evidenced the main body of the Report reads as if it were by the author of Durham's dispatch on 9th August, 1839, and Durham drafted that with his own hand. . . . In origin it is a composite document. But it has never been proved that Durham did not put the whole together in its final form and write large sections with his own hand. For such a view there are strong arguments. . . . Buller never claimed the authorship, and in 1847 wrote that the statement that Durham had not written the Report was groundless. . . . Of course the question whether Durham penned every line is a very minor one; probably sections were drafted by others for his amendment and incorporation in the whole.'

Thus it will be seen that, while differing in detail, all those who have investigated the question are agreed in ascribing the authorship substantially to Lord Durham. To their conclusion I add some disagreement and some scepticism on minor points, an acquiescence in the main position, and whatever is new in the evidence I have adduced and the manner in which I have presented it.

BIBLIOGRAPHY

As this book is based almost entirely on primary sources, the part of the bibliography dealing with secondary works is of minor importance. Every book which embodies even in the briefest manner the outline facts of imperial or Canadian history must make some reference to Lord Durham and his Report; consequently the listing of books which make mention of Lord Durham would be a task as impossible as it would be useless. Only books which make an unusual or extended reference are included here. I have attempted to indicate the general accuracy or inaccuracy of these. A few secondary works contain contemporary letters and documents bearing on Lord Durham's life which are not to be found elsewhere; these, of course, are primary sources, although the books, on account of their general character, are listed as secondary works. A very few secondary works convey information which cannot be traced to any source, material which must, of course, be delicately handled, but which is sometimes found to be valuable after collation with the known sources. General histories of Great Britain, of Canada, and of the British Empire are not included in this bibliography, except where they are very extensive, e. g. Kingsford's *History of Canada* (ten large volumes to 1841).

While my work has been built on primary sources, secondary material has, of course, been of value in the orientation of the subject, but to endeavour to include here all the books that have played their part in this orientation would be out of the question. This is a bibliography of Lord Durham, not of the history of the period. No bibliography of the background chapters is attempted. There are a number of good bibliographies of the movement for Parliamentary Reform in Great Britain. While there is no complete bibliography of Canadian history from 1791 to 1841, Miss F. M. Staton's excellent bibliography of the material in the Toronto Public Library relating to the Rebellion of 1837-8 covers the whole background of the rebellion and the period up to the Act of Union and is exhaustive in character, including every variety of both primary and secondary materials. The *Review of Historical Publications Relating to Canada*, published by the University of Toronto, for many years under the editorship of Prof. G. M. Wrong, Mr. H. H. Langton, and Prof. W. S. Wallace and continued in the *Canadian Historical Review*, includes what is practically a complete bibliography, as well as a review, of all books on Canadian history published since 1895. Prof. R. G. Trotter's *Canadian History, A Syllabus and Guide to Reading* (Toronto, 1926) contains a most useful bibliography in small compass.

PRIMARY SOURCES

IN MANUSCRIPT

At Lambton Castle.

LAMBTON MSS. The papers of the first Earl of Durham, consisting of several thousands of letters and other manuscripts. Lord Durham's letters to and from Lady Durham. Family correspondence, including letters to and from Hedworth Lambton,

from Lord Grey to Lord Durham and to Lady Durham, and from Lady Durham to Lady Grey. A collection of several hundred letters from Lord Durham to Joseph Parkes, and from Parkes to Lord Durham. Another large collection of letters from Edward Ellice to Lord Durham, with a few copies of letters from Durham to Ellice. Personal and political letters to Lord Durham from intimate friends, e.g. Lord Brougham, Sir Robert Wilson, Poulett Thomson, E. J. Stanley, T. S. Duncombe, E. L. Bulwer; relatives, e.g. Lord Duncannon, Lord Howick, and Hon. Charles Grey; Whig leaders, e.g. Lords Holland, Lansdowne, Palmerston, John Russell; Radical leaders, e.g. Grote, Molesworth, Col. Leslie Grove Jones; newspaper owners and editors, e.g. Easthope, Fonblanque, Barnes, Rintoul; and a number of middle-class leaders and some working-class leaders not in active politics. Some copies of letters of Lord Durham to these correspondents. Durham election papers, broadsides, &c. Documents relating to the Reform Bill, and correspondence with members of the Reform Bill Committee and with Lord Althorp relating to the Bill. Business correspondence. A collection of about forty letters, intimate and political, from Leopold, first King of the Belgians. (Lord Durham's autograph letters to King Leopold were apparently destroyed in a fire at the Castle of Laeken.) A number of letters relating to Belgium from Baron Stockmar to Lord Durham and a few from Durham to Stockmar. A number of letters from the Duchess of Kent and Sir John Conroy; a few (purely formal) from William IV. About ten large bundles of papers relating to Lord Durham's Russian mission and Russian embassy, including letters to and from the Emperor Nicholas, Count Nesselrode, Lords Grey, Palmerston, Melbourne (all of Lord Durham's letters to Palmerston were copied by the former into separate books), and short Russian diaries of Lord Durham and Lady Durham. All papers classified as Canadian have been donated to the Canadian Archives, but a few letters in the other bundles at Lambton Castle, as well as a number of Ellice's letters, relate to Canada. Correspondence relating to New Zealand. Collection of newspaper clippings on Lord Durham's death. A few documents not in these manuscript collections, e.g. Lady Durham's journal for the last six months of Lord Durham's life, were also kindly placed at my disposal by the third Earl of Durham. Lady Durham's Canadian journal has been published (see printed sources *infra*). These two journals of Lady Durham's bear marks of having been re-written during the year that elapsed between Lord Durham's death and her own.

At Howick Hall.

HOWICK MSS. The papers of the Second Earl Grey, including letters of Lord Durham to Lord Grey, and letters of Lord Grey to and from his sons, relating to Lord Durham.

At the British Museum.

ADD. MSS. Additional Manuscripts, among which the following collections contain material relating to Lord Durham—Place MSS. (frequent references to Durham in Place's voluminous correspondence; a few letters from Lord Durham); Wilson MSS. (a number of letters from Lord Durham to Sir Robert Wilson; references to Durham in Wilson's correspondence); Hobhouse MSS. (a few letters from Lord Durham and frequent references). There are a few other letters from Lord Durham among the Additional Manuscripts.

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F.O. Foreign Office Papers, including Durham's dispatches to Palmerston from St. Petersburg, and Palmerston's to Durham.

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D.P. Durham Papers. 42 bound volumes of manuscripts and 4 bundles of addresses. These were selected from the manuscripts at Lambton Castle on account of their importance for Canadian history, and generously donated to the Canadian Archives by the third Earl of Durham, some in 1907, and the remainder in 1923. A full description of these manuscripts may be found in Mr. William Smith's excellent calendar of the same in the Canadian Archives Report for 1923.

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G. Series G.—The original dispatches from the Colonial Office to the Governor-General, 1787–1867, together with letter-books, entry-books, drafts, &c. 221 numbered volumes with parts bound separately as in Q.

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Newspapers.

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Canadian newspapers of the period, especially the *Brockville Recorder, Le Canadien, Cobourg Star, Colonial Advocate, Constitution, La Minerve, Montreal Gazette, Montreal Herald, Montreal Transcript, Quebec Gazette, Quebec Mercury, Toronto Correspondent and Advocate, Toronto Examiner, Toronto Mirror, Toronto Patriot,* the *Vindicator.*

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The principal periodicals of the period, especially the *Quarterly Review* (Tory), *Edinburgh Review* (Whig), and *Westminster Review* (Radical—united with the *London Review* in 1836).

Pamphlets.

This was a great period for pamphleteering, and the hundreds of pamphlets bearing directly on the subject of this book cannot be listed here, not to mention the others whose study is necessary to understand the period. A few of the more important of the former are included in the list of books. The British Museum pamphlets were used extensively in the preparation of this book, as were also those of the Canadian Archives, University of Toronto Library, and Toronto Public Library. The student is referred to special pamphlet-catalogues published by these institutions. Some of these pamphlets are official reports which are also too numerous to be listed in this bibliography.

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